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MONTANA LEGISLATIVE HISTORY

Chapter 391 19 93

Bill H _____ S 223 Original bill & history ✓ C

H. Committee on Labor + Employment			S. Committee on Labor + Employment		
Hearing Date(s)	3/9	✓ C	Hearing Date(s)	3/4	✓ C
	3/11	✓ C		3/9	✓ C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____ Yes ✓ No

Committee _____ Report _____

Chapter Page

SITY SYSTEM BUILDINGS AND CERTAIN OTHER BUILDINGS FROM THE REQUIREMENT TO DESIGNATE SMOKING AREAS; CLARIFYING WHICH BUILDINGS MUST HAVE DESIGNATED SMOKING AREAS; REVISING RESPONSIBILITY FOR DESIGNATING SMOKING AREAS AND PLACING SIGNS; PROVIDING A STATUTORY APPROPRIATION; AND AMENDING SECTIONS 17-7-502, 50-40-202, 50-40-203, 50-40-204, AND 50-40-205, MCA *1280*

390 *(Senate Bill No. 318; Weldon)* AN ACT GENERALLY REVISING THE LAWS RELATING TO ELECTIONS; PROVIDING A DEFINITION OF "REGULAR ELECTION"; REVISING REGISTRATION OF ELECTORS; REQUIRING THAT AFFIDAVITS OF CIRCULATION ACCOMPANY PETITIONS FOR NOMINATION OF PRESIDENTIAL CANDIDATES; PROVIDING FOR AMENDMENT OF NOMINATING PETITIONS; REVISING THE STAMPING OF BALLOTS; AUTHORIZING THE SECRETARY OF STATE TO PRESCRIBE THE FORM OF THE VOTER INFORMATION PAMPHLET AND PROVIDING FOR THE MAILING OF THE PAMPHLET; AMENDING SECTIONS 13-1-101, 13-2-202, 13-2-203, 13-10-405, 13-10-503, 13-10-504, 13-10-601, 13-13-116, 13-25-101, 13-27-401, AND 13-27-410, MCA; REPEALING SECTION 13-2-102, MCA; AND PROVIDING AN EFFECTIVE DATE *1283*

391 *(Senate Bill No. 223; Bartlett)* AN ACT GENERALLY REVISING THE LAWS RELATING TO CHILD LABOR; AND REPEALING SECTIONS 41-2-101, 41-2-111, 41-2-113, 41-2-114, AND 41-2-121, MCA *1290*

392 *(House Bill No. 27; Squires)* AN ACT RELATING TO LICENSING OF RESPIRATORY CARE PRACTITIONERS; ESTABLISHING A UNIFORM DATE FOR RENEWING LICENSES TO PRACTICE RESPIRATORY CARE THERAPY; PROVIDING QUALIFICATIONS FOR A TEMPORARY PERMIT; AMENDING SECTIONS 37-28-203 AND 37-28-206, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE *1298*

393 *(House Bill No. 139; Grinde)* AN ACT EXEMPTING LAND SURVEYORS WHO ARE HAND DIGGING FOR CERTAIN PURPOSES FROM THE PROVISION REQUIRING EXCAVATORS TO OBTAIN INFORMATION ON THE LOCATION OF UTILITIES; DETERMINING LIABILITY FOR DAMAGES INCURRED, SUFFERED, OR CAUSED BY LAND SURVEYORS OR PERSONS UNDER THE LAND SURVEYORS' CONTROL; DETERMINING LIABILITY FOR GOVERNING AUTHORITIES FOR DAMAGES CAUSED OR SUFFERED BY LAND SURVEYORS OR PERSONS UNDER THE LAND SURVEYORS' CONTROL; DETERMINING LIABILITY FOR PUBLIC UTILITIES, MUNICIPAL CORPORATIONS, OR OTHER PERSONS HAVING THE RIGHT TO BURY UNDERGROUND FACILITIES FOR DAMAGES SUFFERED BY LAND SURVEYORS OR PERSONS UNDER THE LAND SURVEYORS' CONTROL; AND AMENDING SECTION 69-4-502, MCA *1299*

394 *(House Bill No. 170; Gilbert)* AN ACT REVISING THE MEMBERSHIP ON THE BOARD OF AERONAUTICS; AND AMENDING SECTION 2-15-2506, MCA *1300*

395 *(House Bill No. 201; Hibbard)* AN ACT GENERALLY REVISING THE LAWS RELATING TO BANKING; REVISING THE LAWS RELATING TO THE STATE BANKING BOARD; REMOVING THE DIRECTOR OF THE DEPARTMENT OF COMMERCE AS THE CHAIRMAN OF THE BOARD; AUTHORIZING THE BOARD TO ELECT A PRESIDING OFFICER; REDUCING THE TIME BETWEEN BANK INSPECTIONS; AUTHORIZING THE ACCEPTANCE OF FEDERAL REPORTS IN LIEU OF EXAMINATIONS; CLARIFYING THE PURPOSE OF THE BANKING

SB 222 INTRODUCED BY FRITZ, ET AL.

DESIGNATE AMERICAN INDIAN HERITAGE DAY

1/20	INTRODUCED		
1/20	REFERRED TO STATE ADMINISTRATION		
1/20	FIRST READING		
2/09	HEARING		
2/09	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED		
2/17	2ND READING PASSED	29	20
2/18	3RD READING PASSED	27	22
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO STATE ADMINISTRATION		
2/23	FIRST READING		
3/17	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/27	2ND READING INDEFINITELY POSTPONED	55	42

SB 223 INTRODUCED BY BARTLETT, ET AL.

REVISE CHILD LABOR LAWS

BY REQUEST OF DEPARTMENT OF LABOR AND INDUSTRY

1/20	INTRODUCED		
1/20	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
1/20	FIRST READING		
2/01	FISCAL NOTE REQUESTED		
2/04	HEARING		
2/04	FISCAL NOTE RECEIVED		
2/05	FISCAL NOTE PRINTED		
2/10	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/11	2ND READING PASSED	29	20
2/12	3RD READING PASSED	32	18
	TRANSMITTED TO HOUSE		
2/16	REVISED FISCAL NOTE REQUESTED		
2/18	REVISED FISCAL NOTE RECEIVED		
2/19	REVISED FISCAL NOTE PRINTED		
2/23	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
2/23	FIRST READING		
3/09	HEARING		
3/16	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/29	2ND READING CONCURRED	69	31
3/31	3RD READING CONCURRED	69	29
	RETURNED TO SENATE WITH AMENDMENTS		
4/03	2ND READING AMENDMENTS CONCURRED	47	0
4/05	3RD READING AMENDMENTS CONCURRED	50	0
4/08	SIGNED BY PRESIDENT		
4/13	SIGNED BY SPEAKER		
4/14	TRANSMITTED TO GOVERNOR		
4/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 391		
	EFFECTIVE DATE: 10/01/93		

SB 224 INTRODUCED BY JACOBSON, ET AL.

PROVIDE IMMUNITY FROM LIABILITY FOR FIREARM SAFETY INSTRUCTORS

1/20	INTRODUCED
1/20	REFERRED TO JUDICIARY
1/20	FIRST READING
2/02	HEARING

SENATE BILL NO. 223

INTRODUCED BY BARTLETT, J. RICE, WATERMAN,
VAUGHN, TOWE, CHRISTIAENS, LYNCH, SIMON,
T. NELSON, SQUIRES
BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE SENATE

ANUARY 20, 1993 — INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

EBRUARY 10, 1993 — COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

EBRUARY 11, 1993 — PRINTING REPORT.

SECOND READING, DO PASS.

EBRUARY 12, 1993 — ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 32; NOES, 18.

TRANSMITTED TO HOUSE.

IN THE HOUSE

EBRUARY 23, 1993 — INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

ARCH 12, 1993 — COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

ARCH 29, 1993 — SECOND READING, CONCURRED IN.

ARCH 31, 1993 — THIRD READING, CONCURRED IN.
AYES, 69; NOES, 29.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

PRIL 3, 1993 — SECOND READING, AMENDMENTS CONCURRED IN.

PRIL 5, 1993

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate BILL NO. 223

INTRODUCED BY Bartlett, Rice, Waterman, Vaughn, Cook, Christiaens, Tyree, Simon, Sam Nelson, Stevens

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO CHILD LABOR; AND REPEALING SECTIONS 41-2-101, 41-2-111, 41-2-113, 41-2-114, AND 41-2-121, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 13] requires the department of labor and industry to adopt rules to define terms, to implement the purposes of the child labor laws, and to prevent the circumvention or evasion of the child labor laws.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** Short title. [Sections 1 through 14] may be cited as the "Child Labor Standards Act".

NEW SECTION. **Section 2.** Definitions. As used in [sections 1 through 14], the following definitions apply:

(1) "Agriculture" means:

(a) all aspects of farming, including the cultivation and tillage of the soil;

(b) (i) dairying; and

(ii) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, including commodities defined as agricultural commodities in the federal Agricultural Marketing Act (12 U.S.C. 1141j(g));

(c) the raising of livestock, bees, fur-bearing animals, or poultry; and

(d) any practices, including forestry or lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market.

(2) "Department" means the department of labor and industry provided for in 2-15-1701.

(3) "Domestic service" means an occasional, irregular, or incidental nonhazardous occupational activity related to and conducted in or around a private residence, including but not limited to babysitting, pet sitting or similar household chore, and manual yard work. Domestic service specifically excludes industrial homework.

(4) (a) "Employed" or "employment" means an occupation engaged in, permitted, or suffered, with or without compensation in money or other valuable consideration, whether paid to the minor or to some other person, including but not limited to occupations as servant, agent, subagent, or independent contractor.

(b) The term does not include casual, community

service, nonrevenue raising, uncompensated activities.

(5) "Employer" includes an individual, partnership, association, corporation, business trust, person, or group of persons acting directly or indirectly in the interest of an employer in relation to an employee.

(6) "Minor" means an individual under 18 years of age, except for an individual who:

(a) has received a high school diploma or has received a passing score on the general education development examination; or

(b) is 16 years of age or older and is enrolled in a registered state or federal apprenticeship program.

(7) "Occupation" means:

(a) an occupation, service, trade, business, or industry in which employees are employed;

(b) any branch or group of industries in which employees are employed; or

(c) any employment or class of employment in which employees are employed.

NEW SECTION. **Section 3.** **Exemptions.** The provisions of [sections 1 through 14] do not apply to a minor who is employed:

(1) in an agricultural occupation not otherwise prohibited by [sections 1 through 14] and who has received written consent from the minor's parents or a person

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standing in place of the parent who works on a farm or ranch where the parent or person is also employed;

(2) in domestic service or an agricultural pursuit performed outside school hours in connection with a home or a farm owned or operated by the minor's parent or by a person standing in place of the parent;

(3) by the parent or a person standing in place of the parent;

(4) during periods of school vacations on a campsite of a nonprofit corporation engaged in citizenship training and character building;

(5) as an actor, model, or performer;

(6) outside school hours by a homeowner in casual work usual to the home of the homeowner and not in connection with the homeowner's business, trade, or profession;

(7) by the legislature as a legislative aide or page; or

(8) in the distribution or sale of or in the collection for newspapers, periodicals, or circulars.

NEW SECTION. **Section 4.** **Prohibited employment of minors under fourteen years of age.** Except as provided in [section 3], a minor who is under 14 years of age may not be employed in or in connection with an occupation.

NEW SECTION. **Section 5.** **Prohibited employment of minors who are fourteen and fifteen years old, unless**

otherwise exempted, a minor 14 or 15 years of age may not be employed in the prohibited occupations in [section 6] or in:

(1) a manufacturing occupation;

(2) a processing occupation, including but not limited to filleting fish, dressing poultry, cracking nuts, or laundering and drycleaning;

(3) an occupation that requires the performance of duties in a workroom or workplace where goods are manufactured, mined, or processed;

(4) the operation or tending of a hoisting apparatus or of power-driven machinery;

(5) an occupation in connection with:

(a) transporting persons or property by rail, highway, air, water, pipeline, or other means;

(b) warehousing and storage;

(c) communication and public utilities; or

(d) construction or repair;

(6) an occupation in a retail, food service, or gasoline establishment, including:

(a) work performed in or around a boiler or an engine room;

(b) work in connection with the maintenance or the repair of an establishment, machine, or equipment;

(c) outside window washing that involves working from windowsills and all work requiring the use of ladders,

scaffolds, or their substitutes at a height of more than 20 feet;

(d) an occupation that involves operating, assembling, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, or bakery-type mixers;

(e) work in freezers and meat coolers and all work preparing meat for sale, except wrapping, scaling, labeling, weighing, pricing, and stacking when performed in other areas;

(f) loading or unloading goods to and from a truck, railroad car, or conveyor; or

(g) an occupation in a warehouse, except for office or clerical work;

(7) the following agricultural occupations, unless otherwise exempt or working as a student-learner pursuant to [section 8]:

(a) felling, bucking, skidding, loading, or unloading timber with a butt diameter of more than 9 inches;

(b) repairing a building from a ladder or scaffold at a height of more than 20 feet;

(c) working inside:

(i) a fruit, forage, or grain storage structure designed to retain an oxygen-deficient or toxic atmosphere; or

(ii) an upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position;

(d) handling or using agricultural chemicals classified as poisonous;

(e) handling or using a blasting agent, including but not limited to dynamite, black powder, sensitized ammonium nitrate, blasting caps, or primer cord; or

(f) transporting, transferring, or applying anhydrous ammonia.

NEW SECTION. **Section 6.** **Prohibited employment of minors who are sixteen and seventeen years old.** Unless working as an apprentice or student-learner under the provisions of [section 9], a minor 16 or 17 years of age may not be employed in or in connection with any of the following occupations:

(1) manufacturing or storing explosives or articles containing explosive components;

(2) logging and the operation of a sawmill, lath mill, or shingle mill;

(3) the operation of power-driven woodworking machines;

(4) an occupation involving exposure to a radioactive substance or ionizing radiation;

(5) the operation of a freight elevator and other power-driven hoisting apparatus;

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(6) the operation of a power-driven metal forming, punching, and shearing machine;

(7) a mining occupation;

(8) slaughtering, meatpacking, processing, or rendering;

(9) the operation of a power-driven bakery machine;

(10) the operation of a power-driven paper products machine;

(11) the manufacture of brick, tile, or similar products;

(12) the operation of a circular saw, bandsaw, or guillotine shears;

(13) a wrecking or demolition operation;

(14) an excavation operation;

(15) a roofing operation;

(16) the operation of a motor vehicle or acting as an outside helper; and

(17) a coal mining operation.

NEW SECTION. **Section 7.** **Employment of minors who are fourteen and fifteen years old.** (1) Unless enrolled in and employed pursuant to a school supervised and school administered work experience or career exploration program pursuant to [section 10(2)], a minor 14 or 15 years of age may not be employed in any occupation during school hours.

(2) A minor 14 or 15 years of age may

outside school hours in:

(a) the distribution or sale of or in the collection for newspapers, magazines, periodicals, or circulars; and

(b) the following occupations in retail, food service, and gasoline service establishments:

(i) office and clerical work, including the operation of an office machine;

(ii) cashiering, selling, modeling, art work, work in an advertising department, window trimming, and comparative shopping;

(iii) price marking and tagging by hand or by machine, assembling orders, packing, and shelving;

(iv) bagging and carrying out a customer's order;

(v) errand and delivery work by foot, bicycle, or public transportation;

(vi) cleanup work, including the use of a vacuum cleaner and a floor waxer, and maintenance of grounds, but not including the use of a power-driven mower or cutter;

(vii) kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of the work, which may include but are not limited to a dishwasher, toaster, dumbwaiter, popcorn popper, milkshake blender, and coffee grinder; or

(viii) work in connection with cars and trucks if

confined to dispensing gasoline and oil; courtesy service; car cleaning, washing, and polishing; but not including work involving the use of a pit, a rack, or a lifting apparatus or involving the inflation of a tire mounted on a rim equipped with a removable ring.

NEW SECTION. **Section 8. Exemptions from prohibited occupations in agriculture.** (1) The prohibitions from employment in agricultural operations provided for in [section 5(7)] do not apply to the employment of a student-learner who is 14 or 15 years of age if all of the following requirements are met:

(a) The student-learner is enrolled in a vocational education training program in agriculture under a recognized state or local educational authority or in a substantially similar program conducted by a private school.

(b) The student-learner is employed under a written agreement, providing that:

(i) the work is incidental to training;

(ii) the work is intermittent, for short periods of time, and under the direct and close supervision of a qualified and experienced person;

(iii) safety instruction is given by the school and correlated by the employer with on-the-job training; and

(iv) a schedule of organized and progressive work processes to be performed on the job has been prepared.

(c) The written agreement contains the name of the student-learner and is signed by the employer and by a person authorized to represent the educational authority or school.

(d) Copies of each agreement are kept on file both by the educational authority or school and by the employer.

(2) The prohibitions in [section 5(7)] do not apply to the employment of a minor who is 14 or 15 years of age in those occupations in which the minor has successfully completed a work training program, including safety instruction and training in the use of machinery, under the 4-H program of the federal extension service, a program of the United States department of education, or a similar program if the safety program has been approved by the department and if the minor is employed outside school hours on the equipment for which the minor has been trained.

NEW SECTION. **Section 9.** **Exemptions from prohibited employment of minors who are sixteen or seventeen years old.** (1) The prohibitions in [section 6] do not apply to the employment of an apprentice or student-learner who is 16 or 17 years of age if the minor is employed under the following conditions:

(a) for an apprentice, if:

(i) the minor is employed in a craft recognized as an apprenticeable trade;

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(ii) the work is incidental to the minor's training;

(iii) the work is intermittent, for short periods of time, and under the direct and close supervision of a journeyman as a necessary part of the apprentice training; and

(iv) the minor is registered by the bureau of apprenticeship and training of the United States department of labor as employed in accordance with the standards established by that bureau or is registered by the department as employed in accordance with the standards of the department;

(b) for a student-learner, if:

(i) the student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority or in a course of study in a substantially similar program conducted by a private school;

(ii) the student-learner is employed under a written agreement, providing that:

(A) the work of the student-learner is incidental to the student-learner's training;

(B) the work is intermittent, for short periods of time, and under the direct and close supervision of a qualified and experienced person;

(C) safety instruction is given by the school and

correlated by the employer with on-the-job training; and

(D) a schedule of organized and progressive work processes to be performed on the job has been prepared;

(iii) the written agreement contains the name of the student-learner and is signed by the employer and the school coordinator or principal; and

(iv) copies of each agreement are kept on file both by the educational authority or school and by the employer.

(2) This exemption for the employment of student-learners may be revoked by the department in any situation if the department finds that reasonable precautions have not been observed for the safety of minors employed under the exemption.

(3) A high school graduate who is 16 or 17 years of age may be employed in an occupation in which the graduate has completed training as a student-learner as provided in this section.

NEW SECTION. **Section 10.** Working hours. (1) Unless otherwise exempt or as provided in subsection (2), a minor who is 14 or 15 years of age:

(a) may not be employed before 7 a.m. or after 7 p.m., except that the minor may be employed until 9 p.m. during periods outside the school year (June 1 through Labor Day, depending on local standards); or

(b) may not be employed more than:

(i) 3 hours on a school day;

(ii) 18 hours in a school week;

(iii) 8 hours on a nonschool day; or

(iv) 40 hours in a week in a nonschool week.

(2) A minor who is 14 or 15 years of age and who is enrolled in and employed pursuant to a school-supervised and school-administered work experience or career exploration program approved by the department or the office of public instruction may be employed up to 23 hours in 1 week when the program is in session, any portion of which may be during school hours.

NEW SECTION. **Section 11.** Employment certificate. Before a minor is employed in any occupation except in domestic service in a private home or in an agricultural occupation, the employer of the minor shall obtain and keep on file, accessible to any officer charged with enforcement of [sections 1 through 14], an employment certificate issued by a superintendent of schools or the department, attesting to the age of the minor. A superintendent of schools who issues a certificate under this section shall send a copy of the certificate to the department, and the department shall retain a copy of each certificate issued by it.

NEW SECTION. **Section 12.** Enforcement -- right to enter and inspect premises and records -- subpoena power. The department shall enforce the provisions of [sections 1

through 14] and file a complaint against a person who violates the provisions of [sections 1 through 14]. The department may at any time enter and inspect any place or establishment governed by the provisions of [sections 1 through 14] and have access to employment or age certificates kept on file by the employer and other records that may aid in the enforcement of [sections 1 through 14]. The department may subpoena documentary evidence relating to an investigation under [sections 1 through 14].

NEW SECTION. **Section 13.** Power to adopt rules. The department shall adopt rules, including definitions of terms, to carry out the purposes of [sections 1 through 14] and to prevent the circumvention or evasion of [sections 1 through 14].

NEW SECTION. **Section 14.** Penalties. An employer who violates any of the provisions of [sections 1 through 14] is guilty of a misdemeanor and is punishable as provided in 46-18-212. Each day during which a violation of [sections 1 through 14] continues constitutes a separate offense, and the employment of a minor in violation of [sections 1 through 14] constitutes, with respect to each minor employed, a separate offense.

NEW SECTION. **Section 15.** Repealer. Sections 41-2-101, 41-2-111, 41-2-113, 41-2-114, and 41-2-121, MCA, are repealed.

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NEW SECTION. **Section 16.** Codification instruction. [Sections 1 through 14] are intended to be codified as an integral part of Title 41, chapter 2, part 1, and the provisions of Title 41, chapter 2, part 1, apply to [sections 1 through 14].

NEW SECTION. **Section 17.** Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

SENATE BILLS STATUS SHEET

SENATE LABOR & EMPLOYMENT RELATIONS COMMITTEE

BILL NUMBER	ENTERED COMMITTEE	CONSIDERED	OUT OF COMMITTEE	DP DO PASS	DNP DO NOT PASS	DPAA DO PASS AS AMENDED	DNPAA DO NOT PASS AS AMENDED
SB 15	1/9/93	1/26/93	1/26/93			1/26/93	
SB 33	1/4/93	1/5/93	1/19/93			1/19/93	
SB 62	1/4/93	1/14/93	TABLED				
SB 91	1/7/93	1/14/93 1/19/93	1/26/93			1/26/93	
SB 116	1/11/93	1/14/93	1/19/93	1/19/93			
SB 160	1/15/93	1/26/93	1/26/93			1/26/93	
SB 163	1/15/93	1/28/93	2/11/93			2/11/93	
SB 164	1/15/93	1/28/94	2/4/93			2/4/93	
SB 184	1/18/93	1/26/93	2/2/93			2/2/93	
SB 207	1/19/93	2/2/93	2/2/93			2/2/93	
SB 212	1/20/93	2/13/93	2/13/93		2/13/93		
SB 223	1/20/93	2/4/93	2/9/93			2/9/93	
SB 256	1/26/93	2/9/93	2/9/93			2/9/93	

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Sen. Tome Towe, on February 4, 1993, at 1:05 P.M.

ROLL CALL

Members Present:
Sen. Tom Towe, Chair (D)
Sen. Bill Wilson, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. Jim Burnett (R)
Sen. Tom Keating (R)
Sen. J.D. Lynch (D)

Members Excused:

Members Absent: Sen. Blaylock

Staff Present: Eddye McClure, Legislative Council
Patricia Brooke, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 223
Executive Action: SB 164, SB 163

HEARING ON SB 223

Opening Statement by Sponsor:
Senator Bartlett, Senate District 23, Helena, introduced SB 223 at the request of the Department of Labor. Sen. Bartlett outlined the three primary intentions of SB 223: 1) Conforming Montana law to the Federal Fair Labor Standards Act, 2) Defining hazardous occupations for minors under 18, 3) Establishing maximum hours of work for 14 and 15 year olds and defines the hours of the day during which school age children may work. SB 223 prohibits work during school hours unless the work is associated with a school-related activity. Sen. Bartlett stressed SB 223 will ensure teenagers work in a safe environment but still have adequate time for personal pursuits and to complete their schoolwork. Sen. Bartlett listed the exemptions allowed in SB 223. Sen. Bartlett submitted amendment requests to the Committee(Exhibit #1) and informed the Committee a fiscal note has been requested.

Proponents' Testimony:
Chuck Hunter, Department of Labor and Industry, stated the current Child Labor Act was written in 1907, has had no real changes since, and is extremely outdated. Mr. Hunter explained the Department of Labor has been working with many individuals to craft a bill which conforms to the Federal Fair Labor Act and provides a single standard for the employers. SB 223 brings the law up to date and conforms Montana law to the Federal law. Mr. Hunter reported the fiscal note will be approximately $40,000 to cover a full-time employee to serve in a preventative role. Mr. Hunter also informed the Committee he has a note from Charles Brooks, Montana Realtors Association, which states he endorses this bill.

Father Jerry Lowney, Catholic Priests Council, passed out literature to the Committee that speaks to the argument that when children work up to 10 hours a week their grade point goes up and when they work more than 10 hours a week their grades begin to fall(Exhibits 2 and 3). Father Lowney explained his concern about the Montana's lack of a child labor law and stated he sees a real need for this legislation. Father Lowney discussed his nephew's experience of working with heavy machinery in the workplace. It is only Federal law that prohibits the children's use of heavy machinery and it is rather complicated to have it enforced without the State prohibiting it. Father Lowney urged the Committee to support SB 223 unanimously.

Tim McCauley, testifying for himself, Helena, told the Committee he is a parent who strongly supports SB 223. Mr. McCauley stated he feels it is important for teenagers to work but if they are overworked, or not working in a safe environment, it can have negative affects on them.

Nancy Coopersmith, Office of Public Instruction, conveyed the support of SB 223 by the Office of Public Instruction. Ms. Coopersmith informed the Committee that those students who achieve at high levels at school do not work long hours outside of school. School is a job for school-age youth, she stated.

Eric Feaver, Montana Education Association, stated the Association supports SB 223 whole-heartedly and would go further in limiting the work students are allowed to do during the school week. Mr. Feaver urged the Committee fully support SB 223.

Lorna Frank, Montana Farm Bureau, stated she represents over 4,500 members throughout the state and is in full support of SB 223 and recommends the Committee pass the bill.

Paulette Kohman, Montana Council for Child Health, stated abuse of child labor exists and it is important SB 223 be passed.

Terry Minow, Montana Federation of Teachers, stated SB 223 will protect children and they are in need of protection. Ms. Minow urged the Committee pass the bill.

Harley Warner, Montana Association of Churches, stated his organization is in support of SB 223 and handed out literature which covers employment of children(Exhibit #4 and #5).

Jessica Batson, Helena High School, rose in support of SB 223.

Wendy Berringham, Helena High School, rose in support of SB 223 and submitted written comments(Exhibit #6). Ms. Berringham showed the Committee a scar on her arm, received from a burn in the workplace.

Charles Walk, Montana Newspapers Association, rose in support of SB 223. Mr. Walk pointed out the newspaper exemption in the bill only exempts the carriers. Any minor who would work at the newspaper other than as a carrier would be covered by SB 223 fully.

Sharon Hoff, Director, Montana Catholic Conference, stated the Organization's support of SB 223.

David Owen, Montana Chamber of Commerce, stated the Chamber is in full support of SB 223,

Pam Egan, Montana Family Union, rose in support of SB 223 and submitted written testimony(Exhibit #7).

Darrell Holzer, Montana State AFL-CIO, stated the Organization's support of the bill.

Opponents' Testimony:

None

Questions From Committee Members and Responses:
Sen. Lynch asked Sen. Bartlett if children under fourteen are banned from all jobs. Sen. Bartlett pointed out section three on page 3, line 20, where the exemptions are outlined.

Sen. Lynch asked if children under fourteen years-old would be exempted from selling items on a commission. Harley Warren stated nothing in the bill prevents self-employment.

Sen. Keating asked Mr. Hunter how the law is to be policed and by whom. Mr. Hunter responded it would be enforced by the Department of Labor.

Sen. Keating asked Mr. Hunter if the Department of Labor would deal directly with the employer. Mr. Hunter replied the Department would deal with the parent if the parent employed the child or if they needed information from the parent.

Sen. Keating stated he has a problem with parental neglect and

having the state assume a large parenting role. Sen. Keating asked Father Lowney how the parents are involved so they are not relieved from their obligation under this legislation. Father Lowney replied the present legislation places the burden on the parent to remove the child from workplace but SB 223 forces the state to deal with the employer without the burden being on the parent.

Sen. Aklestad asked Mr. Hunter where SB 223 goes beyond the Federal law. Mr. Hunter replied it does not go beyond, it complies.

Sen. Aklestad asked Sen. Bartlett about section 6, line 24, item 5 and is it the intention to prohibit children from moving boxes in a freight elevator. Sen. Bartlett responded by saying there are many elevators which are dangerous to operate. Sen. Aklestad asked Sen. Bartlett if this part of SB 223 specifically addresses freight elevators. Sen. Bartlett responded in the affirmative.

Sen. Towe asked Mr. Hunter which Federal law will SB 223 conform to. Mr. Hunter responded SB 223 complies with the Federal Fair Labor Standards Act.

Sen. Towe stated his concerns about the agriculture exemptions in SB 223. Mr. Hunter stated children will not be prohibited from working on the farm but from operating dangerous machinery and there are two tiers of prohibited activities.

Sen. Towe stated most of the power driven equipment is prohibited but a power driven tractor is not on the list. Father Lowney responded it was intentional to leave the tractor off the list.

Sen. Towe asked Mr. Hunter if cleaning a hotel room is a prohibited activity. Mr. Hunter replied that is not on the list of prohibited activities. Mr. Hunter clarified that the list of prohibitions in section 7 refers to activities prohibited during school hours.

Sen. Aklestad asked if the law is different when the child is employed by his/her parent. Mr. Hunter replied that if a child is working for his/her parents, the exemption of working for parents overrides everything with the exception of working at hazardous occupations.

Closing by Sponsor:
Sen. Bartlett closed by stating her appreciation to Father Lowney and the Department of Labor and Industry and many others who worked hard to make SB 223 come to fruition and closed her comments.

EXECUTIVE ACTION ON SB 164

Discussion: Sen. Harp introduced amendments on behalf of the

ROLL CALL

SENATE COMMITTEE LABOR DATE 2/4/93

NAME	PRESENT	ABSENT	EXCUSED
Senator Aklestad	X		
Senator Keating	X		
Senator Blaylock		X	
Senator Lynch	X		
Senator Burnett	X		
Senator Wilson	X		
Senator Towe	X		

FC8

Attach to each day's minutes

Amendments to Senate Bill No. 223
First Reading Copy

Requested by Senator Barlett
For the Senate Labor Committee

Prepared by Eddye McClure
February 4, 1993

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. #1
DATE 2/4/93
BILL NO. SB 223

1. Page 1, line 11.
Following: "section"
Strike: "13"
Insert: "12"

2. Page 1, line 18.
Page 1, line 20.
Page 3, line 21.
Page 3, line 24.
Page 15, line 1.
Page 15, line 2.
Page 15, line 5.
Page 15, line 7.
Page 15, line 9.
Page 15, line 12.
Page 15, line 14.
Page 15, line 16.
Page 15, line 19.
Page 15, line 21.
Page 16, line 2.
Page 16, line 5.
Following: "through"
Strike: "14"
Insert: "13"

3. Page 8, lines 16 and 17.
Following: "(16)" on line 16
Strike: remainder of line 16 through "helper" on line 17
Insert: "riding outside a motor vehicle to assist in transporting or delivering goods"

4. Page 14, lines 12 through 22.
Strike: section 11 in its entirety
Renumber: subsequent sections

SENATE LABOR & EMPLOY
EXHIBIT NO. # 2
BILL NO. 2193
88 223

Too Old, Too Fast?

Millions of American teenagers work, but many may be squandering their futures

BY STEVEN WALDMAN AND KAREN SPRINGEN

Anyone who thinks teenagers spend their afternoons playing hoops, hanging out at the mall—or, for that matter, studying—should meet 18-year-old Dave Fortune of Manchester, N.H. He wakes up at dawn, slurps some strawberry jam for a sugar rush, goes to the high school until 2:30 p.m., hurries home to make sure his little sister arrives safely, changes and goes off to his job at a clothing store. He gets home at around 10:30, does maybe an hour of homework—"if I have any"—and goes to sleep around midnight. The routine begins anew five hours later. Fortune knows he's sacrificed some of his school life for his job. He misses playing soccer and baseball as he did in junior high, and he had to give up a challenging law class because he had so little time for studying. "I have to work," Dave says. "I *have* to work."

MICHAEL SZPISJAK He doubled his wo

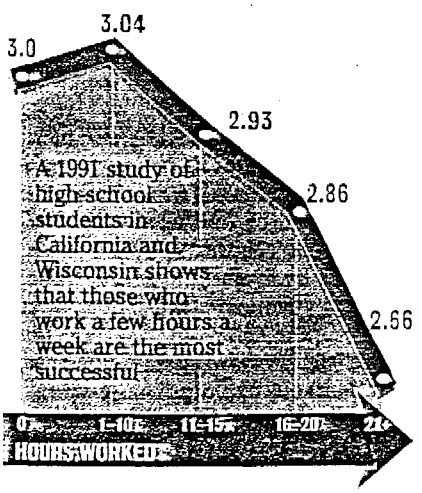
DAVID FORTUNE
Working nights at a clothing store allows less time for homework—'if I have any'—bu it allows for a well-stocked wardrobe

A peek in Fortune's closet suggests otherwise. His back-to-school wardrobe: two leather jackets, six sweaters, 12 pairs of jeans, four pairs of shoes, two pairs of sneakers, two belts, "loads of shirts," and a half-dozen silk pants and shirts that would make a jockey proud. Price tag for the spree (with his store discount): $550.

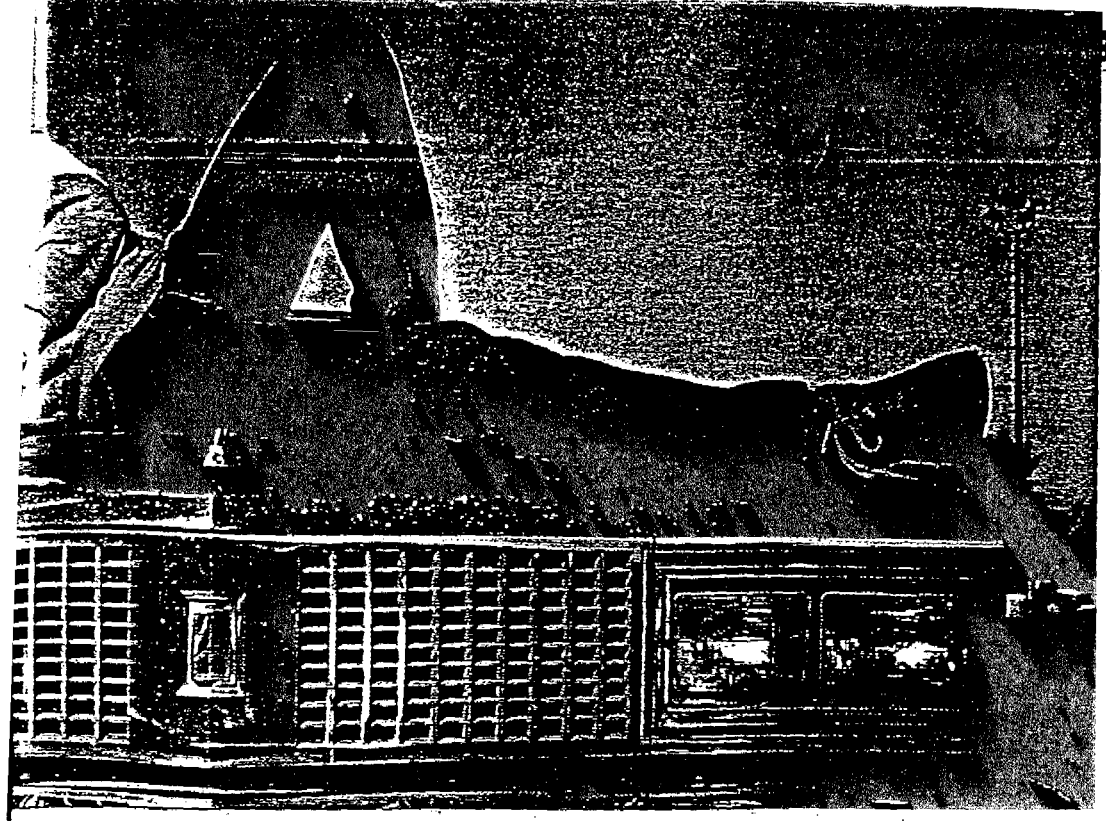
After-school jobs have become a major force in teen life. More than 5 million kids between 12 and 17 now work, according to Simmons Market Research Bureau. Teens are twice as likely to work as they were in 1950. The change has been fueled by the growth of the service sector after World War II, the rise of the fast-food industry in the 1960s and '70s and an increase in the number of girls entering the work force. About two thirds of seniors today work more than five hours a week during the academic year. While Wally Cleaver's afternoons were occupied by varsity track, basketball and hanging around with Eddie Haskell, Brandon Walsh on "Beverly Hills, 90210" waits on tables at the Peach Pit because his wealthy parents think it will teach him responsibility—and so that he could buy a Mustang convertible.

As political attention focuses on improving the quality of high schools—and producing a highly trained work force better fit for global competition—states have begun restricting the hours teens can work during the school year. In their senior year, about 47 percent of male student workers and 36 percent of females put in more than 20 hours per week at their jobs. Psychologists and teachers see the strain on students. They have little time fo homework, and teachers who regularl watch exhausted students struggling t keep their heads up all too often respon by lowering standards. "Everybody wor ries why Japanese and German and Swed ish students are doing better than us," says Laurence Steinberg, a psycholog professor at Temple University. "One rea son is they're not spending their afte noons wrapping tacos."

Grade-Point Averages



SOURCE: L. STEINBERG, S. M. DORNBUSCH



hours—with his father's approval—even though both knew it might hurt his studies

KRIS MILLER
'I'm losing my kid,' says Betty Miller, whose daughter, Kris, fixes pastries at a restaurant

MARVIN SILVER
Because he put in so many hours at a department store, he was able to eat with his parents only on weekends

The significance of after-school work goes beyond sagging test scores and eyelids. In interviews with 64 high-school students in New Hampshire, Iowa, Virginia, Illinois and Maryland, an unsettling picture emerges. The prevalence of youth employment has transformed what it means to be a teenager. Kids who take jobs by choice, not necessity, have worked themselves into what one scholar called "premature affluence"—the ability to finance consumer binges even as their parents are cutting back.

They buy clothing with all the well-heeled restraint of Imelda Marcos. Many have cars, which they use to go on lavish dates. Despite the recession, only 10 percent of high-school seniors surveyed last year said they were saving most of their earnings for college, and just 6 percent said they used most of it to help pay family living expenses. Finally, jobs even play a role in changing the relationships between teens and their parents. Pulled in many directions, parents grant their working children striking amounts of autonomy. Working at the local McDonald's, in short, has enabled many teens to buy out of adolescence.

There are those, of course, who must work. The recession has forced some kids into the labor force to help their parents survive. Teachers, students and social scientists also agree that work can teach discipline, self-respect and efficiency. Fortune's father, for example, insisted his son work to learn some responsibility—and the son says he has. Some studies show that kids who work moderately actually do better in school than those who don't take jobs at all. Students on the verge of dropping out—or into criminality—can be kept on track by a good job. It can even teach tolerance by forcing them to meet kids of different social cliques.

Nonetheless, educators worry that while the benefits of work have been known for years, a range of problems has been left unexplored. Some are apparent at Pembroke Academy, a public high school near Concord, N.H.:

■ Vanessa Thompson saw her grades plummet from B's to D's when she increased her schedule last year from 25 to 30 hours a week at a movie theater and Lady Foot Locker. "You either do homework at study hall or it just doesn't get done," she says. Her boss at the shoe store questioned whether she was keeping up with school. "Of course I lied to her because I needed the hours," Thompson says. "School's important but so's money. Homework doesn't pay. Teachers say education is your payment, and that just makes me want to puke."

■ Andrew Cutting points to a small red scar above his right eye, a reminder of what might be called a job-related injury. Last month Cutting was in study hall writing a composition when, midsentence, he fell asleep, slamming his head down on the tip of his pen cap. "It hurt wicked bad," he says. "I felt like an idiot." He was tired from pumping gas at a nearby Mobil station the night before. He says he's managing his sleep better now and will keep the job so he

CLOCKWISE FROM TOP: MICHAEL L. ABRAMSON, JOHN FICARA—NEWSWEEK, ROBERT TRIPPETT—SIPA, SCOTT THODE—JB PICTURES

can buy a car and pay for his own clothes instead of the "queer shirts with butterflies on the collar" his parents get. His head probably hurts less, too.

■ Artie Bresby stocks shelves at Shaw's Supermarket. To sustain his job pace, he takes six Vivarin pills (equivalent to about 15 cups of coffee), plus two liters of turbo-charged Mountain Dew. That, however, did not stop him from dozing off during a group interview with NEWSWEEK.

Are these three the exception or the norm? Their schedules, at least, are typical. A 1989 study by the state of New Hampshire found that 77 percent of seniors were employed and more than half of them worked more than 20 hours. Does working too much really hinder academic performance? Some scholars cite Japan, where students do better in school—and work at jobs less. According to a forthcoming study by University of Michigan professor Harold Stevenson, 74 percent of juniors surveyed in Minneapolis worked—compared with 21 percent in Sendai, Japan. Indeed, almost half the public schools in Tokyo prohibit students from working.

Other U.S. studies have shown a more direct link between hours worked and academic achievement. A study by the Educa-

'Needing and Wanting Are Different'

BY JIMMY CARRASQUILLO

Mom, can I have some money?" Those are the words my mother used to hear all the time. In return, I heard, "Why don't you get a job? Not to make me happy, but so that you have your own money and gain a bit more responsibility." So last year I got a job with Montgomery Ward's photo studio, working about 25 hours a week. For $5 an hour, I was a telephone salesman, trying to persuade people to come in for a free photograph.

All this was during football season and I was on the team as a kicker. To do football and homework and my job at the same time became really hard. I was burning out, falling asleep at school, not able to concentrate. My first class was physics and I hated it. I'd just sit there with my hand on my cheek and my elbow on the desk, and start dozing. One day the teacher asked my partner what I was doing and she said, "Oh, he's sleeping." The teacher came to the back of the class and stared at me. The whole class looked at me for about two minutes and laughed.

My third-period history teacher was really concerned. She was cool. A lot of times, I'd fall asleep in her class. She'd scream, "Wake up!" and slam her hand on my desk. I'd open my eyes for about two minutes, pay attention and go back to sleep. She asked me if I could handle school, football and work. I said, "Yeah. I'm doing OK so far." She said, "Why? Why all this?"

I told her it was for the things I need, when actually it was for the things that I wanted. Needing and wanting are different. Needing something is like your only shoes have holes in them. But when a new pair of sneakers came out and I liked them, I'd get them. My parents didn't feel it was right, but they said, "It's your money, you learn to deal with it." Within two years I had bought 30 pairs. My parents would laugh. "You got your job, you got your money—but where's your money now?" They didn't realize how much my job was hurting my schoolwork.

My priorities were screwed up. On a typical night I did about an hour of homework. A lot of times it was hard for me to make decisions: do I want to be at work or do I want to be at practice? Do I want to worry about what I'll have today or what I'll have in the future? Sometimes I felt there was no right choice. One week in the winter I had to work extra days, so I missed a basketball game and two practices. (I'm on that team, too.) When a substitution opportunity came at the next game, the coach looked at me and said, "OK, we're running I-5," a new play they had developed during the practices I had missed. I told him I didn't know it, so he told me to sit back down. I felt really bad, because there was my chance to play and I couldn't.

I really did resent work. If I hadn't been so greedy, I could have been at practice. But I kept working, and the job did help me in some ways. When you have a lot of responsibilities, you have to learn how to balance everything. You just grow up faster. At home, your parents always say, "I pay the bills so while you're here you're under my rules." But now with my money I say, "No, no no. You didn't pay for that, I did. That's mine."

Slowly, I've come to deal with managing money a lot better. At first, as soon as I had money, it was gone. Now it goes straight into my bank account. This year I decided not to work at all during football season. I have a lot more time to spend with other players after the game and feel more a part of the team. I've only fallen asleep in class once so far. I'm more confident and more involved in the classes. My marks are A's and B's, a full grade better than this time last year. I'm hoping that will help me get into a better college. I don't go shopping as much. I look at all the sneakers in school and think, "I could have those," but I don't need them. Last year I thought that being mature meant doing everything. But I'm learning that part of growing up is limiting yourself, knowing how to decide what's important, and what isn't.

KATHERINE LAMBERT

'I WAS GREEDY' 'My third-period history teacher was really concerned. She'd scream, "Wake up!" and slam her hand on my desk. I'd go back to sleep.'

Carrasquillo is a senior at Wakefield High School in Arlington, Va.

KATHERINE LAMBERT

MARY CLARK

She's proud to help her single mom by working as a baby-sitter. But last March she broke down and sobbed in class when the pressure of her school assignments was too much.

tional Testing Service concluded that kids who work longer hours are less likely to take biology and chemistry courses, and earn lower achievement scores in math, science, history, literature and reading. Another study of more than 68,000 students nationally linked working more than 20 hours to increased cigarette and alcohol use, less sleep and more truancy. While the author of the ETS study points out that these kids might not do well in school even if they weren't working, other researchers say that a heavy workload exacerbates poor performance.

Slipping standards: The job frenzy may even harm students who don't work. Some teachers demand less. Knowing that students were unlikely to read books outside class in part because of their job schedules, Ken Sharp, an English teacher at Pembroke, has his pupils spend a week reading a play aloud in class. A study of 1,577 Wisconsin teenagers in the early 1980s revealed that teachers shortened reading assignments, simplified lectures and reduced out-of-class assignments—all to accommodate teen work schedules. It "was a factor in demoralizing teachers and giving the students, in turn, a message that little of significance would happen at school," wrote Linda M. McNeil, the Rice University professor who conducted the study.

In some schools, standards are so low that it's become easy to get decent grades even while holding down a time-consuming job; there just isn't that much schoolwork to do. Parents, too, may lower expectations. Michael Szpisjak, a senior at Glenbrook South High School in Glenview, Ill., more than doubled his hours at a publishing company, though he knew it would hurt his grades. His father encouraged him to work. "Usually people at the bottom of the class are the most successful if you measure it in terms of how much money they make," says Stephen Szpisjak.

Teen work is also threatening extracurricular activities—which can be the best part of high school. Musical aptitude of students has declined since the days when "work was limited to summers and maybe a paper route," because students no longer have time to practice, says Terry Grossberg, the band teacher at Waukegan High in Illinois. William Turner played wide receiver his freshman year at Largo High in suburban Maryland, but quit last year to bag groceries so he'd have money for "clothes and girls." It turned out that was the year the team went to the state semifinals. His grades dropped as well, from 3.67 down to 2.50, so he cut back on his job this year.

Every individual reacts differently to work, but two groups seem immune to a job's detriments: weak and gifted students. "Some kids are not real good students, but at work, they're Queen of the May," says guidance counselor Gloria Mueller of Glenbrook South. The other group is that small slice at the top: the Roboteens who manage to do, and excel at, everything. John Fiorelli of Glenbrook wakes up at 5:30, runs three miles, earns grades in the top 10 percent, runs seven or eight miles after school for the cross-country team, serves as senior-class president and still works 15 to 20 hours washing dishes at a nearby hospital. "I like the pressure," he says.

Kids willingly make the sacrifice in part because high school's frenzy of consumerism has grown only more intense. Teens have always coveted thy friends' belongings, but could do little about it when their pockets were empty. But teen earning power increased from $65 billion in 1986 to $95 billion last year, far outpacing inflation and parental income, according to Teenage Research Unlimited, a marketing firm. Teens spent $82 billion in 1991, and have maintained the pace despite the recession. The more money Johnny has, the more he buys.

Some run-of-the-mill purchases by middle-class teens capture the 90210-ish expectations of teen life: Chris Lamarre, who works at a Manchester carpet store, bought his girlfriend a $100 Gucci watch and himself a $600 car stereo. Mary Kane of Olney, Md., spent $1,000 of her earnings from Lady Foot Locker to go to Cancún for eight days with her friends. More and more students at Glenbrook South are spending hundreds of dollars to get beepers—not to consummate drug deals, but to retrieve messages from friends. Blame it on peer pressure: when you go out with friends, "you don't want to say, 'I can't do that, I don't have the money'," explains Kirsten Fournier, a senior at Manchester West High.

The growth of the youth spending culture raises an ironic question: wasn't work

MICHAEL L. ABRAMSON

JOHN FIORELLI

'I like pressure,' says the senior, who gets top grades, runs cross-country and works 15 to 20 hours a week

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supposed to teach kids the "value of the dollar"? Well, in a way, it does. "You see a two-for-one deal at a store and you're like, 'Whoaaa!'" says Chris Weir of Pembroke. Jerald Bachman, program director of the University of Michigan's Institute for Social Research, argues that students who develop premature affluence become accustomed to spending large percentages of their take-home pay. Why can Rasheda Stevenson, a Largo High senior, who worked 20 hours a week last year as a cashier, be so profligate? "If I see some dress shoes and they're, like, $80," she says, "my mother's going to wait until they go on sale. But if I want them I can get them right then and there. I don't have bills to pay. I don't have any children. It's just me." Stevenson has 20 pairs of dress shoes—and "a purse to go with every pair"—plus 10 pairs of tennis shoes.

The most important thing students can "buy" with their jobs is an altered relationship with their parents. Time after time, students say employment gave them more freedom. Parents who would contemptuously refuse to buy their children a shelf of color-coordinated Nikes can take the posture "It's your money; you can spend it on what you want." The net effect is that teens can feel, and are treated, more like adults. "It was like I just lived there, like a tenant," says Marvin Silver of Largo High. Last year he had dinner with his parents just on weekends while he was working at Morton's department store roughly 25 hours a week. "I'm losing my kid," says Betty Miller, whose daughter, Kris, a Wakefield High senior, fixes pastries and cappuccino at Bistro Bistro four and a half hours, four nights a week.

Teens in Two Societies

In different cities, here's where teenagers get their money and how they spend their time.

	Sendai, Japan	Minneapolis, U.S.
Percent working	21%	74%
Mean number of hours worked weekly	9.8 hrs.	15.6 hrs.
Percent feeling stress at least once a week	43.4%	71.2%
Portion of spending money from parents	94.7%	47.5%
Weekly amount received from jobs and parents	$86	$205
Percent dating	36.8%	84.5%
Weekly TV watching	16.7 hrs.	12 hrs.

SOURCE: UNIVERSITY OF MICHIGAN

MARTIN SIMON—SABA

RASHEDA STEVENSON
For this senior, having a job means the affluence of owning 20 pairs of dress shoes—all with matching purses

Parents often agree to the new arrangement because maintaining authority has become so difficult. Vetoing a son's purchase of Calvins or a used Mustang would mean forcing him to swim against a tidal wave of materialism at school. Patricia Turner, mother of the Largo student who missed the football championship, says parents now confront the extra fear that if they don't allow their kids to earn the trappings of adolescence legally, they will be lured by the easy money of drug dealing.

Cash relief: A kid's self-sufficiency can also relieve a parent of financial burden, even if the teen isn't directly pitching in for rent. But saying that a daughter can't sacrifice the glee club to buy a car means that parents might have to pick her up at school; with both working, that might be impossible. By accepting this assistance, parents in effect sell some of their authority for cash relief. They're selling too low, says Dr. Lawrence Hartmann, past president of the American

ANDREW CUTTING

Pumping gas gives him money for a car and clothes. But he 'felt like an idiot' when he fell asleep in study hall and bruised his head on the tip of his pen cap.

Psychiatric Association. "Parents should be parents, and children should be children."

For those empathetic children who try to take care of their families as well as do "youthful" activities, the pressure can be enormous. Mary Clark's mother encourages her to participate in Wakefield High activities because "you're only young once." But Mary was proud she was able to pay for redecorating her room so she wouldn't have to ask her mom, who is single and holds down two jobs, as a waitress and a secretary. But taking on so much can be overwhelming. Last March, she was baby-sitting three nights a week, helping take care of her nephew, trying to learn her lines for her role in "Julius Caesar" and worrying about an academic project soon due. She sat in class realizing that in addition to all that, she wasn't understanding the algebra lesson. In the middle of class, she broke down and quietly sobbed.

Only in recent years have states, parents and business owners tried to preserve the numerous benefits of work while eliminating the excesses. Washington state last month imposed a 20-hour limit for 16- and 17-year-olds while school is in session—half the previous level. Wisconsin, Indiana, New York, North Carolina and Maine have restricted work hours this year, and, since 1990, eight other states have changed their rules. But some business groups have mobilized to block restrictions. In Washington state, fast-food companies bused in burger flippers to protest against the proposed reduction to 20 hours a week.

Such restrictions mean nothing, of course, if they're not enforced. A child-labor crackdown by former labor secretary Elizabeth Dole has all but disappeared under the administration of Lynn Martin. The number of federal investigators has dropped from 970 to 841 in three years, and the department has asked for only 825 next year. States have cut back, too. Illinois now has only 13 child-labor inspectors for the entire state, down from 18 five years ago. And while lax enforcement can lead to sleepy students, it also allows for far worse: more than 71,000 teenagers were injured at work in 1990, according to a recent study by the National Safe Workplace Institute.

Burger bonus: Attitudes of individual bosses range from cruel to paternal. One student said he was forced to miss graduation ceremonies to keep his job. "I would have employers write me the nastiest letters because I wouldn't drop a chemistry class because they wanted a kid to work at 1 [p.m.]" says Manchester West principal Robert Baines. "I finally wrote back and said, 'Please leave them alone until 2:33'." Yet other students reported that their supervisors helped them with homework or crafted schedules around exams and athletics. The owners of 25 McDonald's in Baton Rouge, La., last year started offering bonuses to kids with good grades. A 3.0 average earns an extra 15 cents per hour. Schools are increasingly taking the posture that if students are going to work, it should at least be at a meaningful job. High-school students in rural Rothsay, Minn., actually run the local hardware and grocery stores so students can gain supervised experience tied to a curriculum. A program in Chicago helps teens run New Expression, a paper with a circulation of 70,000.

Ultimately, though, it is neither legislators nor employers who will have to solve the conundrum of teen work. Most parents are proud of their children earning a paycheck, but find themselves unaware of the problems their children's jobs can create. All parents want the best future for their kids. Once upon a time, after-school work seemed a perfect way to teach sons and daughters a little something about the real world and reward them with some cash at the same time. Now, for too many teenagers, too much of a wise thing may be squandering that very future.

With Marcus Mabry in Washington

PHOTOS BY SCOTT THODE—JB PICTURES

VANESSA THOMPSON

Thompson (left) saw her grades drop from B's to D's last year after she increased her working hours from 25 to 30 a week. 'Teachers say education is your payment,' she says, 'and that just makes me want to puke.'

After-school job may lead teens into trouble

By the Associated Press

DENVER — Teens who work after school are more likely to break the law and tempt trouble than those who don't have jobs, according to a study that turns assumptions about work and responsibility on its head.

Such findings aren't new, but the study conducted at the University of Colorado at Boulder is the first such survey that's national in scope, said sociology professor Delbert Elliott, who heads the ongoing research.

"In that sense, it's a little different," Elliott said of the survey's nationwide view. "The finding is a very robust finding."

The study found teens who work before graduating from high school are about 1½ times more likely to commit criminal offenses and use alcohol, and are more than twice as likely to experiment with marijuana.

"To be honest, we didn't believe it," Elliott said of the initial results. "You know — idle hands are the devil's workshop."

Researchers were so skeptical at first, he said, they figured they overlooked something. But when the numbers were reckoned again to account for potentially skewing factors, the results were the same.

Elliott emphasized that the findings mean only that work poses a greater risk of delinquency; trouble is far from inevitable.

"The research has indicated there are indeed some positive benefits from going to work," Elliott said.

But on the negative side, he said, the survey showed "a job may replace interest in school. Then what happens is a decline in educational aspiration ... and in activities surrounding the school."

The findings come from a long-term survey. Each time, survey subjects — who cross the economic and ethnic spectrums — are asked confidentially if they broke the law or used drugs or alcohol. Those who worked as teens were employed in a wide range of jobs — in fast-food restaurants, in retail stores, as gofers in professional firms.

Elliott said parents may counter the risk of trouble by better supervising their employed offspring.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. #3
DATE 2/4/93
BILL NO. SB 223

What Can We Do?

Individually

As individuals, we can examine our personal commitment to "putting children and families first" in our homes, parishes, and communities. We can make a real effort to spend more time with our families, praying, playing and working together. We can contribute our time and money to programs that serve children and families in our communities. And we can use our voices and votes to help shape a society that allocates resources and enacts policies that support children and families.

In Our Dioceses

Across the Country, dioceses are launching creative local initiatives. They are:

- convening parish and diocesan leaders to coordinate efforts;
- writing local statements on the needs of children and families;
- developing special events and convocations that focus on meeting the needs of children and families;
- starting new programs to serve children and families, including parenting skills training, health care programs, etc.;
- producing media efforts and producing public service announcement to call attention to the needs of children and families;
- launching public policy campaigns to enact local legislation to support children and families;
- as well as many other exciting initiatives.

In Our Parishes

No institution in Catholic life is more important to the Campaign for Children and Families than the parish. Children and families are at the heart of parish life and the parish plays a vital role in supporting families and nurturing children.

In General: We can

- include a quote from *Putting Children and Families First*, in the bulletin;
- plan a Sunday with worship focused on children and families, education on forces which undermine families, and service and advocacy for children and families;
- use the video, *I Am Only a Child* at parish gatherings.

In Worship: We can

- reflect our concern for children and families within the liturgy through prayers of petition, appropriate homilies, a regular or occasional family Mass, etc.
- identify feasts and liturgical seasons that lend them selves to a focus on children and families (e.g. Advent, Christmas, Epiphany).
- turn special collections (e.g. Campaign for Human Development, American Bishops' Overseas Appeal, etc.) into opportunities to educate, preach and respond to the needs of poor children and families.

In Education: We can

- incorporate our concern for children and families into religious education programs and school curricula;
- encourage students to learn about and offer service to poor children and families as part of their religious education program;
- sponsor special projects such as poster contests, essay contests, field trips to local agencies serving needy children, etc.;
- offer adult education on parenting or public issues.

In Social Ministry: We can

- strengthen or start a service program for the parish as a whole, such as providing a regular meal for a soup kitchen
- publicize service opportunities for individuals or families such as "sponsoring" a child from a developing country, or volunteering for a literacy program;
- educate parishioners about public policies that work against children and families.
- involve parishioners in child and family advocacy through a diocesan or state legislative network, a community organization or a letter writing or telephone campaign.

Resources

The best sources of help and ideas for participation in the Catholic Campaign for Children and Families will be your diocesan offices of social action, education, pro-life, family life, liturgy, and others, as well as your diocesan social service agency.

- *Putting Children and Families First: A Challenge for Our Church, Nation, and World.* The statement of the United States Catholic Conference that forms the basis of the Catholic Campaign for Children and Families. Available from the Office for Publishing and Promotion, USCC, 800-235-USCC. (Pub. No. 469-4).

- *The Parish Manual for the Catholic Campaign for Children and Families.* A compilation of resources including the text of the bishops' statement; liturgical aids; bulletin inserts and clip art; and suggestions for integrating this initiative into parish education, social ministry and family support efforts. Available in English (Pub. No. 525-9) and in Spanish (Pub. No. 534-8) from USCC/OPPS (see above).

- *I Am Only a Child.* A compelling introduction to the bishops' statement, this 14-minute videocassette reflects on the state of the world's children. The tape is available in English or Spanish ($24.95 prepaid) from Lumen Catechetical Consultants, Inc., P.O. Box 1761, Silver Spring, MD 20915.

For more information contact the Department of Social Development and World Peace (202/541-3195) or any of the other national offices and organizations involved in the Catholic Campaign for Children and Families.

Niños Familias Primero

"Our nation is failing many of our children. Our world is a hostile and dangerous place for millions of children. As pastors in a community deeply committed to serving children and their families, and as teachers of a faith that celebrates the gift of children, we seek to call attention to this crisis and to fashion a response that builds on the values of our faith, the experience of our community, and the love and compassion of our people."

U.S. Catholic Bishops
Putting Children and Families First

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 4
DATE 2/4/93
SB 265

A CATHOLIC
CHILDREN AND FAMILIES
first
CAMPAIGN

In November, 1991, the bishops of the United States issued a statement that called for renewed attention to children and families in our homes, our parishes, our communities, our nation, and our world. *Putting Children and Families First: A Challenge for Our Church, Nation, and World* challenges Catholics and others to engage in "a spiritual and social reawakening to the moral and human cost of neglecting our children." This initiative brings together social justice, family life, human service, pro-life, education and other agendas within our church in a common campaign for children and families.

PUTTING CHILDREN AND FAMILIES FIRST

While many children lead happy, secure, safe lives, too many others in our country and throughout the world do not. Every year, 1.6 million innocent children's lives are destroyed by legalized abortion in the U.S. alone. One in four children in this country lives in poverty. Every day throughout the world, 44,000 children die from poverty, hunger and related problems.

The Catholic community brings to this moral challenge three key assets: the values of the Scriptures where children are seen as blessings, the message of Catholic teaching which calls us to measure society by how children and families fare, and our experience in serving children and their families. We support their spiritual life in our parishes, we educate them in our schools, we care for them in our hospitals, and we provide a wide range of supportive services through our charitable and outreach programs.

While the bishops recognize that our homes, neighborhoods, parishes, and communities are where the most important work to support children occurs, they also recognize the role public policy can play in strengthening or undermining families.

> *"No government can love a child and no policy can substitute for a family's care, but clearly families can be helped or hurt in their irreplaceable roles. Government can either support or undermine families as they cope with the moral, social, and economic stresses of caring for children."*

Further, the bishops decry an unnecessary and unreal polarization about how to help families, which has pitted those who promote more personal responsibility against those who support "family friendly" policies.

> *"The undeniable fact is that our children's future is shaped both by the values of their parents and the policies of our nation...We believe parental responsibility and broader social responsibility, changed behavior and changed policies are complementary requirements to help families."*

CRITERIA FOR NATIONAL POLICY

The bishops suggest seven criteria for pro-family public policies:

- *Put children and families first in the allocation of resources and the focus of public life.*
- *Help; don't hurt. Support policies that strengthen rather than undermine families.*
- *Those with the greatest need require the greatest response.*
- *Empower families. Help families meet their responsibilities to their children.*
- *Fight economic and social forces which threaten children and family life.*
- *Build on the strengths of families; reward responsibility and sacrifice for children.*
- *Recognize that foreign policy is increasingly children's policy.*

THE CALL TO ACTION

Pointing to the many helpless and hopeless children who haunt our world, the bishops call on all of us to turn our values into action on behalf of children and families.

> *"We hope the Catholic community will become a persistent, informed and committed voice for children and families, urging all American institutions from neighborhood associations to the federal government to put our children first."*

DIRECTIONS FOR PUBLIC POLICY

NATIONAL POLICY DIRECTIONS

1. Protect the lives of children by opposing abortion and government funding of abortion.
2. Protect family members from abuse by prohibiting pornography, reforming family services, and increasing support for adoption and foster care.
3. Promote decent jobs at decent wages, and support adequate job training.
4. Reform the tax laws to help families cope with the high cost of raising children -- e.g. a children's tax credit.
5. Provide for poor children through adequate welfare benefits and policies that promote family stability, not separation.
6. Promote family-friendly workplace policies such as family and medical leave protection.
7. Promote equal opportunity in education, affirmative action in employment and nondiscrimination in housing.
8. Promote quality education by offering programs like HeadStart, and vouchers or tax credits that allow school choice.
9. Support basic nutrition programs like food stamps and the Women, Infant and Children (WIC) program.
10. Extend quality health care to all, beginning with our children and their mothers.
11. Support housing, planning, and zoning policies that promote affordable housing.
12. Provide appropriate medical, educational, rehabilitative and social services for persons with disabilities, and ensure full implementation of the Americans with Disabilities Act.
13. Embrace a "children first" principle in cases of divorce, and strengthen child support enforcement policies.

INTERNATIONAL POLICY DIRECTIONS

1. Meet the basic needs of children throughout the world, including shelter, food, health care, education, and the elimination of child labor, children in military service, and other exploitative practices.
2. Shape U.S. economic policies that include:
   - an international trading system that discourages the exploitation of children by ensuring that poor countries receive fair prices for their exports;
   - a foreign aid program that places emphasis on the needs of children and families rather than security and military interests;
   - a global financial system that recognizes the economic and social costs to families of developing countries' massive external debt, and pursues ways to relieve it equitably and realistically.
3. Oppose coercive population and abortion policies and discrimination against women.

Montana has a poverty level of 16.1% and 24.3% of all Montana children below age 5 live below poverty (13,980 of the 57,600 kids under the age of 5 live in poverty). (1990 Census)

19.9 percent of Montana's children live below the poverty line (43,237 of 216,898 children live in families with inadequate money for food). (1992 Montana Hunger Study)

In Montana the number of children in foster care rose from 2,302 in 1984 to 3,125 in 1990. (Charles Horejsi, Professor of Social Work, University of Montana)

Children account for 15 percent of all homeless people and are the fastest growing segment of the homeless population. (Select Committee on Hunger).

The U.S. stands 22nd among developed countries in infant mortality, with 40,000 dying before their first birthday. (Bread for the World).

Pregnant women on Medicaid and receiving WIC benefits are 2- 3 times more likely to receive adequate prenatal care than those on just Medicaid. (Klerman, 1991).

Children in programs such as Head Start are twice as likely to graduate from high school and be employed than those in similar circumstances who do not participate. (Children's Defense Fund).

State programs like Healthy Start in Hawaii and Homebuilders in Washington have demonstrated that remarkable decreases in incidence of child abuse are within our reach. (Lisbeth Schorr, Within Our Reach, Doubleday, 1988).

MONTANA RELIGIOUS LEGISLATIVE COALITION
(MRLC)
P.O. BOX 745
HELENA, MONTANA 59624

MONTANA ASSOCIATION OF CHURCHES
POSITION PAPERS

- AGRICULTURE - LAND & FARM CRISIS
- CAPITAL PUNISHMENT
- CORPORATE & GOVERNMENTAL RESPONSIBILITY IN MATTERS OF PLANT CLOSURES & /OR LAYOFFS
- CORRECTIONS
- ENERGY & ENVIRONMENT
- EQUAL RIGHTS FOR WOMEN
- FAITH vs. TIME - Release time for religious education
- FUNDING FOR CONCILIATION COURTS
- GAMBLING
- HEALTH CARE FOR SENIOR CITIZENS
- HEALTH CARE SYSTEM REFORM
- HOME HEALTH CARE
- HUMAN RIGHTS COMMISSION
- HUMAN WELFARE AND FINANCIAL SUPPORT
- MRLC - HISTORY, PROCESS & RATIONALE
- PORNOGRAPHY
- PRE-MARITAL COUNSELING FOR MINORS
- PUBLIC FUNDING OF THE ARTS
- STRENGTHENING FAMILIES
- TAX EXEMPTION
- TAX REFORM
- TRAFFIC SAFETY
- VICTIMS OF CRIME

MEMBER UNITS OF THE MONTANA ASSOCIATION OF CHURCHES

American Baptist Churches of the Northwest
Christian Church (Disciples of Christ) of Montana
Episcopal Church, Diocese of Montana
Evangelical Lutheran Church in America -
(Montana Synod)
Presbyterian Church (USA) -
Glacier Presbytery
Yellowstone Presbytery
Roman Catholic Church -
Diocese of Great Falls / Billings
Diocese of Helena
United Church of Christ -
Montana-Northern Wyoming Conference
United Methodist Church -
Yellowstone Conference

MONTANA RELIGIOUS LEGISLATIVE COALITION

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 5
DATE 2/4/93
BILL NO. SB 223

CHILDREN

IN SOCIETY

Position Paper

Adopted at the Annual Assembly
Montana Association of Churches
1992

CHILDREN IN SOCIETY

Position Statement

The Montana Association of Churches calls upon the State Legislature and all the people of Montana to recognize the rights of children.

All children are entitled to the rights set forth in this position paper, without distinction or discrimination on account of race, color, sex, disability, language, religion, creed, political or other opinion, national or social origin, property, birth or other status, whether of the children or their families.

Children should enjoy special protection and be given opportunities and facilities, by law and other means, to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and with freedom and dignity. In the enactment of laws for this purpose, the best interest of each child must be of paramount consideration.

Children are entitled to healthy growth and development. To this end special care and protection should be provided both to the children and to their parents, including adequate prenatal and postnatal care and immunizations. Children have the right to adequate nutrition, housing, recreation and health care.

Children are entitled to receive a quality education, which is free and compulsory, at least through high school. They should be given an education which will promote their culture, and enable them, on a basis of equal opportunity, to develop individual abilities, judgment and a sense of moral and social responsibility. The best interest of the child shall be the guiding principle of those responsible for the child's education and guidance. We recognize that ideally parents are the primary teachers of their offspring.

Children with physical, mental or social disabilities should be given the special treatment, education and care required by their condition. They need to have the opportunity to develop to their full potential.

For the full and harmonious development of personality, children need love and understanding. Whenever possible and appropriate, they also need to grow up in the care and under the responsibility of their parents. No matter what the circumstance, they need to live in an atmosphere of affection and of moral and material security. The State of Montana has the duty to extend particular care to children without a family, to those without adequate means of support, and to those who, for whatever reason, can not or should not live with their own family.

We support legislation to ensure the availability of safe, affordable and wholesome child care.

Children must be protected against all forms of neglect, cruelty and exploitation. We support legislation to protect children from parental abuse and abuse from others who are responsible for their care, including, but not limited to, teachers and other school staff and day care providers.

We support legislation that disallows the employment of children until an appropriate minimum age. Children should in no case be enticed, encouraged, forced or permitted to engage in any occupation or employment which would compromise their health or education, or interfere with their physical, social, mental, spiritual or moral development.

Supporting Statement

Children, by reason of their physical and mental immaturity, need special safeguards and care, including appropriate legal protection. Montana owes to its children the best it has to give.

All children merit care and protection, simply because each child has value.

Our children are our future - they will be the leaders, the parents, the citizens of tomorrow. In responding to their needs today, we shape a better future for all.

Our children are our present - our children bring us special gifts, today not just tomorrow. They are the sign of God's continual gift to the world. Thus, we need to respect them and place their rights as a priority in our society.

It is well known that a person's childhood experiences have a powerful impact on that person's adult life and the way he or she may be an effective parent. Parents need support and help in meeting the challenges of raising children in the face of the cultural, economic and moral pressures of our day. No institution can substitute for the committed love, daily sacrifice and hard work of parents in caring for their own children. But every institution should support parents in their essential tasks. Our society must be an ally and advocate for parents as they struggle to meet their children's needs at home and in an often hostile world where powerful economic and social forces can overwhelm the love and care of a family.

Christians believe that the treatment of children is a measure of their faith. That is why we need - each of us - to use our values, voices, and votes to hold our public officials accountable and to shape a society that honors the convenantal responsibilities each generation has to its children.

Other Compelling facts

Ninety per cent of the households in Montana with a hunger problem have children. Single parent families in Montana are particularly at risk. (Hunger in Montana, October 1990).

The child poverty crisis is getting worse, rather than getting better. In 1990, 840,000 children were added to the ranks of the poor. (Children's Defense Fund).

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 6
DATE 2/4/93
BILL NO. SB 223

NAME Wendy Bermingham

ADDRESS 120 Humbolt Loop

HOME PHONE 442-0450 WORK PHONE 442-2530

REPRESENTING Self (teenagers)

APPEARING ON WHICH PROPOSAL? 223

DO YOU: SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS:

Teen going to school that works on school nights. Would like to work during school but not at late hours.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F11

Montana Family Union
AFL-CIO

110 West 13th Street
P.O. Box 1176
Helena, Montana 59624
406-442-1727

Don Judge
President

Pam Egan
Executive Director

The Associate Membership Program of the Montana State AFL-CIO

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. #7
DATE 2/4/93
BILL NO. SB 223

TESTIMONY OF MONTANA FAMILY UNION ON SB 223
BEFORE THE SENATE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS,
FEBRUARY 4, 1993

Mr. Chairman, members of the committee, for the record, I am Pam Egan, Executive Director of the Montana Family Union. I am here today in support of Senate Bill 223.

Montana children work for a variety of reasons; some because their parents want them to learn responsibility and the value of hard work, some to earn extra spending money, some to help pay for college. These can be noble goals.

Unfortunately, bad economic policy has made it necessary for some children to have to work to help their families put food on the table. But it's the government's responsibility to fix the economic problems, not let child workers pay the price.

We must remember that a child who is exploited in the workplace learns neither responsibility, nor the value of hard work.

What that child does learn is that employers have no responsibility to their workers. An exploited child learns that hard work is not rewarded with dignity, respect or fairness. They learn that their education is worth less than their paycheck. They learn that workers, and children, are expendable -- to dangerous equipment, to hazardous chemicals, to excessive hours -- but that profits are not.

The Montana Family Union believes that all young people have a right to a decent childhood. Excessive hours and hazardous conditions undermine that right.

We believe that all children deserve to have an education -- one that will prepare them to enter the adult work force when the time comes. We believe it is unconscionable for children to be exploited by unscrupulous employers for the sake of profits.

Current Montana law does very little to protect children from many hazardous occupations and does nothing to protect them from excessive hours.

This bill begins to correct those problems. While we wish it were even stronger, it is an important step in the right direction.

The Montana Family Union respectfully urges a favorable recommendation on Senate Bill 223.

Bribery in official and political matters, 45-7-101.
Gifts to public servants by person subject to their jurisdiction, 45-7-104.
Employee disclosure of information which would identify patient, 50-5-106.
Removal of Public Service Commission member, 69-1-113.
Official misconduct of official grain inspector, sampler, or weigher, 80-4-703.
Violations by Commissioner of irrigation district, 85-7-1507.

Part 5

Employer Misconduct

45-7-501. Employer misconduct. (1) A person who is an employer, as defined in 39-71-117, commits the offense of employer misconduct if he knowingly or purposely:

(a) avoids his responsibility to provide coverage for his employees as required by 39-71-401;

(b) misrepresents or falsifies employment records or information, including but not limited to understating the amount of payroll or the number of his employees; or

(c) refuses to pay premiums that he is obligated to pay under compensation plan No. 2, as provided in Title 39, chapter 71, part 22, or compensation plan No. 3, as provided in Title 39, chapter 71, part 23.

(2) A person convicted of the offense of employer misconduct shall be fined an amount not to exceed $50,000 or imprisoned in the state prison for any term not to exceed 10 years, or both.

History: En. Sec. 2, Ch. 586, L. 1987.

CHAPTER 8

OFFENSES AGAINST PUBLIC ORDER

Part 1 — Conduct Disruptive of Public Order

45-8-101. Disorderly conduct.
45-8-102. Failure of disorderly persons to disperse.
45-8-103. Riot.
45-8-104. Incitement to riot.
45-8-105. Criminal syndicalism.
45-8-106. Bringing armed men into the state.
45-8-107. Purpose.
45-8-108. Definitions.
45-8-109. Prohibited activities — penalties — exceptions.
45-8-110 reserved.
45-8-111. Public nuisance.
45-8-112. Action to abate a public nuisance.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 8
DATE 2/4/93
BILL NO. SB 223

SUMMARY OF PROPOSED CHILD LABOR BILL
STATE OF MONTANA

BACKGROUND: Most states have comprehensive Child Labor legislation regulating the hours minors may work and the hazardous occupations in which they may not work. Montana has not had comprehensive regulation of child labor. Recent research and publicity have pointed to the increased need for legislation, regulation and enforcment of child labor standards. The proposed legislation has received support from various religious, education, and labor organizations as well as from child advocates.

HAZARDOUS OCCUPATIONS are defined in the bill so that all minors under eighteen who have not received a high school diploma or passing score on the General Development exam, or registered in a state or federal apprenticeship program may not be employed in extremely hazardous occupations such as mining, hazardous manufacturing, and working involving hazardous chemicals, radioactive substances, or operating dangerous equipment.

Minors fourteen or fifteen of age are additionbally prohibited from being employed in occupations that are slightly less hazardous, but posing sufficient danger to threaten the life or health of individuals at that age.

Minors fourteen years of age and under are prohibited from employment

EXCEPT

that all minors may be employed:

1. By their parents or guardians.

2. In agriculture or farming with written consent of the their parents or guardians or on a farm or in a home owned by their parents or guardians or or on a farm where the parent or guardian is also employed.

3. In the delivery or collection of newspapers, periodicals or circulars.

4. In casual, community, non-revenue raising, uncompensated activity, (such as religious and charitable volunteer work).

5. As an actor, model or performer.

6. As a legislative aide.

7. In casual domestic work at a person's home.

Additional exceptions are provided for student-learners and apprenticeship programs.

WORKING HOURS FOR MINORS

Except in the above-mentioned occupations in which all minors may be employed,

Minors 14 or 15 years of age

1. May not be employed before 7 a.m. or after 7 p.m., except during the summer holiday.
2. May not be employed more than:
   a) 3 hours on any school day;
   b) 18 hours in any week when school is in session;
   c) 8 hours in any day when school is not in session;
   d) 40 hours in any week when school is not in session; or
   e) 6 days a week.

Certain exceptions are provided for including the delivery of newspapers, and so on.

OTHER PROVISIONS include means of enforcement, power of the Department of Labor to adopt rules and definitions, and various penalties.

DATE 2/4/93

SENATE COMMITTEE ON Labor

BILLS BEING HEARD TODAY: SB 223, Child Labor Law

PLEASE PRINT

Name	Representing	Bill No.	Check One: Support	Oppose
SHARON HOFF	MT CATHOLIC CONFER.	223	✓	
Fr. Jerry Lowney	Catholic Priests Council Helena Diocese - Carroll College	223	✓	
Tim McCauley	Self	223	✓	
Windy Bringham	Self (Teenager)	223	✓	
Jessica Batson	self (Teenager)	223	✓	
Nancy Coppersmith	OPI	223	✓	
Darrell HOLZER	MT. ST. AFL-CIO	223	✓	
Fran Marceau	UTU	223	✓	
CHUCK HUNTER	DOLI	223	✓	
Terry Murrow	MEA Teachrs	223	✓	
[illegible]	MFT	223	✓	
Pam Egan	Mt. Family Union/AFL-CIO	223	✓	
Chuck Mack	MT Newspaper Assn	223	✓	
Dwood Ocean	mt chamber of commerce	223	✓	
John Mayer	AFSCME	223	✓	
HARLEY WARNER	ASSOC. OF CHURCHES	223	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

DATE 2/4/93

SENATE COMMITTEE ON LABOR

BILLS BEING HEARD TODAY: SB 223 - BARTLETT

Name	Representing	Bill No.	Check One Support	Oppose
Eric Feaver	MEA	223	X	
Lorna Frank	MT. Farm Bureau	223	X	
Paulette Kohman	MT Council for Maternal & Child Health	223	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

DATE 2/4/93

SENATE COMMITTEE ON LABOR

BILLS BEING HEARD TODAY: SB 223 - Bartlett

Name	Representing	Bill No.	Check One Support	Oppose
Alan A Ellis Jr	HD 84	147	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

Motion/Vote: Sen. Lynch moved SB 270 DO PASS AS AMENDED. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 256

Motion/Vote: Sen. Lynch moved to AMEND SB 256(Exhibit #5, part 5). Motion CARRIED UNANIMOUSLY.

Motion/Vote: Sen. Lynch moved to AMEND SB 256(Exhibit #5, part 1-4). Motion CARRIED UNANIMOUSLY.

Motion/Vote: Sen. Lynch moved SB 256 DO PASS AS AMENDED. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 223

Discussion: Eddye McClure explained the technical amendments submitted by Senator Bartlett(Exhibit #6, parts 1-3, 5-7).

Motion/Vote: Sen. Blaylock MOVED TO AMEND SB 223. The motion CARRIED UNANIMOUSLY.

Discussion: Sen. Aklestad stated his concern about the language in SB 223 that refers to freight elevators. Chuck Hunter stated the Federal Code has extensive information about freight elevators and SB 223 could include a reference to the Federal Code. Sen. Towe stated language to amend SB 223 in reference to freight elevators(Exhibit #6, part 4).

Motion/Vote: Sen. Keating moved to AMEND SB 223(Exhibit #6, part 4). The motion CARRIED UNANIMOUSLY.

Motion/Vote: Sen. Keating moved SB 223 DO PASS AS AMENDED. The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 2:50 P.M.

TOM TOWE, Chair

PATRICIA BROOKE, Secretary

TET/pmb

930209LA.SM1

ROLL CALL

SENATE COMMITTEE LABOR DATE 2/9/93

NAME	PRESENT	ABSENT	EXCUSED
Senator Aklestad	X		
Senator Keating	X		
Senator Blaylock	X		
Senator Lynch	X		
Senator Burnett	X		
Senator Wilson	X		
Senator Towe	X		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

February 10, 1993

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 223 (first reading copy -- white), respectfully report that Senate Bill No. 223 be amended as follows and as so amended do pass.

Signed: Thomas E. Towe
Senator Thomas E. "Tom" Towe, Chair

That such amendments read:

1. Page 1, line 11.
Following: "section"
Strike: "13"
Insert: "12"

2. Page 1, line 18.
Page 1, line 20.
Page 3, line 21.
Page 3, line 24.
Page 15, line 1.
Page 15, line 2.
Page 15, line 5.
Page 15, line 7.
Page 15, line 9.
Page 15, line 12.
Page 15, line 14.
Page 15, line 16.
Page 15, line 19.
Page 15, line 21.
Page 16, line 2.
Page 16, line 5.
Following: "through"
Strike: "14"
Insert: "13"

3. Page 7, line 24.
Following: "a"
Strike: remainder of line 24

4. Page 7, line 25.
Following: "apparatus"
Insert: ", except for a freight elevator permitted for use under the child labor provisions of the federal Fair Labor Standards Act of 1938"

m- Amd. Coord.
m/ Sec. of Senate

5. Page 8, lines 16 and 17.
Following: "(16)" on line 16
Strike: remainder of line 16 through "helper" on line 17
Insert: "riding outside a motor vehicle to assist in transporting or delivering goods"

6. Page 14, lines 12 through 22.
Strike: section 11 in its entirety
Renumber: subsequent sections

7. Page 15, lines 5 and 6.
Following: "employment" on line 5
Strike: remainder of line 5 through "certificates" on line 6
Insert: "records"
Following: "employer" on line 6
Strike: remainder of line 6

-END-

That such amendments read:

1. Page 1, line 11.
Following: "section"
Strike: "13"
Insert: "12"

EXHIBIT 6
DATE 2-9-93
SB 223

2. Page 1, line 18.
Page 1, line 20.
Page 3, line 21.
Page 3, line 24.
Page 15, line 1.
Page 15, line 2.
Page 15, line 5.
Page 15, line 7.
Page 15, line 9.
Page 15, line 12.
Page 15, line 14.
Page 15, line 16.
Page 15, line 19.
Page 15, line 21.
Page 16, line 2.
Page 16, line 5.
Following: "through"
Strike: "14"
Insert: "13"

3. Page 7, line 24.
Following: "a"
Strike: remainder of line 24

4. Page 7, line 25.
Following: "apparatus"
Insert: ", except for a freight elevator permitted for use under the child labor provisions of the federal Fair Labor Standards Act of 1938"

5. Page 8, lines 16 and 17.
Following: "(16)" on line 16
Strike: remainder of line 16 through "helper" on line 17
Insert: "riding outside a motor vehicle to assist in transporting or delivering goods"

6. Page 14, lines 12 through 22.
Strike: section 11 in its entirety
Renumber: subsequent sections

7. Page 15, lines 5 and 6.
Following: "employment" on line 5
Strike: remainder of line 5 through "certificates" on line 6
Insert: "records"
Following: "employer" on line 6
Strike: remainder of line 6

-END-

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ------- REREFERRED ---- DATE READ

SB0091	CHRISTIAENS, CHRIS		EXTEND WORKER'S COMPENSATION COVERAGE TO PRERELEASE, DIVERSIONARY PROGRAMS			
	1/30	3/02	3/4 DEFERRED	CONCUR AS AMENDED 3/11 VOTE: 16-0		3/16
SB0116	HARP, JOHN		EXCLUDING CERTAIN OUTSIDE SALESMEN FROM OVERTIME AND MINIMUM WAGE LAWS			
	1/23	2/04		CONCUR 2/4 VOTE: 16-0		2/10
SB0160	RYE, DAVID		PROHIBIT DISCRIMINATION FOR LAWFUL USE OF PRODUCT AWAY FROM WORK			
	1/30	3/02		CONCUR AS AMENDED 3/4 VOTE: 15-1		3/06
SB0163	HARP, JOHN		CREATE SAFETY CULTURE ACT REQUIRING EMPLOYERS ESTABLISH SAFETY PROGRAMS			
	3/11	3/16		CONCUR 3/18 VOTE: 15-1		3/20
SB0164	HARP, JOHN		CREATE FRAUD INVESTIGATION OFFICE IN DEPT OF JUSTICE & PREVENTION IN ST FUND			
	3/11	3/16		CONCUR 3/18 VOTE: 16-0		3/20
SB0184	BLAYLOCK, CHET		GENERALLY REVISE UNEMPLOYMENT INSURANCE LAWS			
	2/08	3/02		CONCUR AS AMENDED 3/4 VOTE: 16-0		3/06
SB0207	WILSON, WILLIAM		REVISE THE MONTANA WAGE PROTECTION LAWS			
	2/06	3/04		CONCUR 3/4 VOTE: 15-1		3/06
SB0223	BARTLETT, SUE		REVISE CHILD LABOR LAWS			
	2/23	3/09		CONCUR AS AMENDED 3/11 VOTE: 10-6		3/16
SB0256	SWYSGOOD, CHUCK		DEFINE NONRESIDENT EMPLOYEE OR WORKER IN THIS STATE FOR WORK COMP PURPOSES			
	2/23	3/04		CONCUR AS AMENDED 3/11 VOTE: 16-0		3/16
SB0270	KEATING, TOM		ESTABLISH EMPLOYMENT SECURITY ACCOUNT AND ALLOW FUND TRANSFERS			
	2/23	3/04		CONCUR 3/4 VOTE: 13-3		3/06
SB0329	KLAMPE, TERRY		REVISE PREVAILING WAGE ON PROJECTS FINANCED FROM BOND PROCEEDS AFTER 6/30/93			
	3/01	3/09		CONCUR AS AMENDED 3/11 VOTE: 9-7	LABOR & EMPLOYMENT	3/16
SB0329	KLAMPE, TERRY		REVISE PREVAILING WAGE ON PROJECTS FINANCED FROM BOND PROCEEDS AFTER 6/30/93			
	3/19			CONCUR AS AMENDED 3/11 VOTE: 9-7		3/22

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Chairman Nelson, on March 9, 1993, at 3:05 p.m.

ROLL CALL

Members Present:

Rep. Tom Nelson, Chair (R)
Rep. Gary Feland, Vice Chair (R)
Rep. Steve Benedict (R)
Rep. Vicki Cocchiarella (D)
Rep. Jerry Driscoll (D)
Rep. Alvin Ellis (R)
Rep. Pat Galvin (D)
Rep. Sonny Hanson (R)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carolyn Squires (D)
Rep. Bill Tash (R)
Rep. Rolph Tunby (R)

Members Excused: Rep. Whalen & Rep. Tuss

Members Absent: None

Staff Present: Susan Fox, Legislative Council
Cherri Schmaus, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 223, SB 329, SB 342 & SB 381
Executive Action: None

HEARING ON SB 223

Opening Statement by Sponsor:

REP. SUE BARTLETT, SD 23, Lewis and Clark County, sponsor, opened on SB 223 by stating that this bill was developed to revise child labor laws. This bill was developed to do three things. These three things are to conform to Montana statutes, to define hazardous jobs for those under 18, and to estimate the maximum hours per day a 14 and 15 year old can work. This bill prohibits work during school hours, unless it is an apprenticeship program.

The passage of SB 223 is long overdue. Montana needs one set of standards.

Proponents' Testimony:

REP. JIM RICE, HD 43, Helena, co-sponsor, stated that there have been several cases in Helena with unfair labor practices.

Chuck Hunter, Department of Labor, began his testimony with some history dealing with child labor. He stated that the laws for child labor were written in 1907 and are out of date. This bill will prohibit employment that is detrimental to a child's health. This bill will also level out federal and state standards.

Father Jerry Lowney, Professor at Carroll College, provided the committee with several handouts. **(SEE EXHIBITS 1,2,3, & 4)** He stated that this bill is a family bill. The bill is pro-education, pro-child, and pro-human life. Governor Racicot also supports SB 223.

Tim McCauley, self, stated that he is a parent of four children, two college students and one junior high student and one elementary student. He stated that being a parent is trying at times. This bill provides limits for children to follow dealing with work. Obtaining a job allows the children to mature; however, causes stress and conflicts at school.

Wendy Bermingham, Junior at Helena High School, stated that she is an employee at taco place here in Helena. She needs the extra money; however, she also needs school, a social life and sports. She showed the committee burns on her arms that she has received at work. She stated that the work environment for young employees needs to be made safe.

Jessica Batson, Junior at Helena High School, stated that she is an employee at Taco Bell here in Helena and her concern is with those students who close Taco Bell on school nights. These students who close, don't get home until 1 or 2 am.

Nancy Coopersmith, Office of Public Instruction, stated that students already have a full-time job attending school. This bill is in the best interest of the youth. She encourages students to work, but a limited amount.

Sharon Hoff, Montana Catholic Conference, stated that this bill ties in well with a seminar in late 1991 that was titled "Putting Children and Families First." Her organization supports SB 223. **(EXHIBIT #5)**
She quoted **Pope Leo** in stating that society needs to take steps to assure safety and the future of children.

Harley Warner, Association of Churches, referred to a newspaper article and stated that the statistics show that a student working less hours maintain a higher grade point average. For

example, those students who work 1 to 4 hours per week maintain a grade point average of 3.4 and those working 21 or more hours per week maintain a grade point average of 2.6.

Larna Frank, Montana Farm Bureau, stated that SB 223 deserves the committees support.

Phil Campbell, Montana Education Association, stated that his organization supports SB 223.

Jamie Doggett, Montana Cattlewomen, stated that her organization supports SB 223.

Paulette Coleman, Maternal Child Health, stated that her organization supports SB 223.

Charles Brooks, Montana Retail Association, stated that this bill mirrors the federal regulation. He stated that his organization supports SB 223.

Charles Walk, Executive Secretary Montana Newspaper Association, stated that his organization supports SB 223.

Pam Egan, Montana Family Union, provided the committee with written testimony. **EXHIBIT #6**

David Owen, Montana Chamber of Commerce, stated that his organization supports SB 223.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. SIMON asked **SEN. BARTLETT** to refer to page 8, line 9 of the bill. He asked her if the word "processing" only deals with meat processing?

SEN. BARTLETT stated that she was not sure if it was just meat or not, but she referred him to Chuck Hunter.

Chuck Hunter stated that this section does only deal with meat processing.

REP. COCCHIARELLA asked Father Lowney how this bill will effect daycares or group homes?

Father Lowney referred to page 2, lines 16 through 19, and read the definition of domestic service.

REP. COCCHIARELLA stated her concern that babysitting is different that domestic services. She then asked Chuck Hunter the same question.

Chuck Hunter stated that he agrees, babysitting is different than

domestic services.

REP. MILLS asked **SEN. BARTLETT** to refer to page 8, subsection 5 dealing with freight elevators. He asked if this would apply to a youth taking flowers to a hospital room using a freight elevator?

SEN. BARTLETT stated that this bill does not disallow the use of freight elevators.

REP. BENEDICT told Chuck Hunter he feels this is a terrible bill; furthermore, it does not take care of agriculture. He asked Mr. Hunter if this bill would allow a 15 year old football player, who weighs 180 pounds, to load hay onto a truck?

Chuck Hunter replied no, a 15 year old is not allowed to unload anything off a truck, regardless of the contents.

REP. BENEDICT asked Mr. Hunter to refer to section 5, subsection c, line 9. He stated that this section disallows a youth to work at a radio station, even if it is a very easy job.

Chuck Hunter stated that clerical work is permitted and he believes this would cover that scenario.

REP. BENEDICT referred to the bill and stated that working in communication is prohibited for youth.

Chuck Hunter stated that there needs to be some clarifying rules developed upon the passage of this bill.

REP. BENEDICT asked Mr. Hunter if this bill also disallows a 15-year old from driving a tractor?

Chuck Hunter stated that this bill will not disallow the operation of any farm vehicles if the youth have their parents consent.

REP. MILLS asked Mr. Hunter if he could hire anyone under 16 to drive a car on his farm?

Chuck Hunter stated that driving is not prohibited on the farms.

REP. MILLS then asked Father Lowney the same question.

Father Lowney stated that he is not sure this is the case, because in the federal standards it is prohibited for anyone under the age of 16 to operate a tractor.

CHAIRMAN NELSON asked Chuck Hunter if this bill would take precedence over the federal statutes even though they are or will become parallel?

Chuck Hunter stated that this bill would take precedence in some

cases, but not in others.

REP. ELLIS asked Mr. Hunter what the motivation would be, for compliance with the act, if it is not parallel with the federal regulations?

Chuck Hunter stated that the passage of this bill will bring both the state and federal statutes parallel.

Closing by Sponsor:

SEN. BARTLETT closed on SB 223 by stating that the current laws are out-of-date. This bill is a good faith effort to provide protection for children working in hazardous occupations during the school year. She emphasized the importance of school and homework.

HEARING ON SB 381

Opening Statement by Sponsor:

SEN. GARY FORRESTER, SD 49, Lockwood, sponsor, stated that this bill is an attempt to bring employers in compliance with workers compensation laws. Furthermore, this bill will stop employers from misclassifying their employees.

Proponents' Testimony:

Keith Olsen, Montana Logging Association, stated that this bill could help Montana gain the competitive advantage over the other states. He stated that his organization supports SB 381.

Bill Egan, Montana Conference of Collectible Workers, stated that his organization supports the bill for the same reasons listed above.

Ron James, Construction Ironworkers, stated that workers compensation rates are currently at 63 percent. His organization supports SB 381 and thinks it is a fair bill.

Eugene Fenderson, Montana District Council of Laborers, stated that the passage of this bill will put all employers on a level playing field. His organization supports SB 381.

Lars Erickson, Executive Secretary Montana State Council of Carpenters, stated that the best part of the bill is that the money collected goes into a fund for the program itself.

Darrell Holzer, Montana State AFL-CIO, stated that he supports SB 381 for the same reasons given above.

Roger Tippy, Beer and Wine Retailers, stated that the scope of this bill is hard to understand. He proposed a set of amendments to clarify the scope.

HOUSE OF REPRESENTATIVES

LABOR COMMITTEE

ROLL CALL DATE 3/9/93

NAME	PRESENT	ABSENT	EXCUSED
REP. TOM NELSON, CHAIRMAN	✓		
REP. GARY FELAND, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT	✓		
REP. VICKI COCCHIARELLA	✓		
REP. JERRY DRISCOLL	✓		
REP. ALVIN ELLIS	✓		
REP. PAT GALVIN	✓		
REP. SONNY HANSON	✓		
REP. NORM MILLS	✓		
REP. BOB PAVLOVICH	✓		
REP. BRUCE SIMON	✓		
REP. CAROLYN SQUIRES	✓		
REP. BILL TASH	✓		
REP. ROLPH TUNBY	✓		
REP. CARLEY TUSS			✓
REP. TIM WHALEN			✓

SB 223

EXHIBIT
DATE LABOR 3/9/93
HB SB223

SUMMARY OF PROPOSED CHILD LABOR BILL
STATE OF MONTANA

BACKGROUND: Most states have comprehensive Child Labor legislation regulating the hours minors may work and the hazardous occupations in which they may not work. Montana has not had comprehensive regulation of child labor. Recent research and publicity have pointed to the increased need for legislation, regulation and enforcment of child labor standards. The proposed legislation has received support from various religious, education, and labor organizations as well as from child advocates.

HAZARDOUS OCCUPATIONS are defined in the bill so that all minors under eighteen who have not received a high school diploma or passing score on the General Development exam, or registered in a state or federal apprenticeship program may not be employed in extremely hazardous occupations such as mining, hazardous manufacturing, and working involving hazardous chemicals, radioactive substances, or operating dangerous equipment.

Minors fourteen or fifteen of age are additionbally prohibited from being employed in occupations that are slightly less hazardous, but posing sufficient danger to threaten the life or health of individuals at that age.

Minors fourteen years of age and under are prohibited from employment

EXCEPT

that all minors may be employed:

1. By their parents or guardians.

2. In agriculture or farming with written consent of the their parents or guardians or on a farm or in a home owned by their parents or guardians or or on a farm where the parent or guardian is also employed.

3. In the delivery or collection of newspapers, periodicals or circulars.

4. In casual, community, non-revenue raising, uncompensated activity, (such as religious and charitable volunteer work).

5. As an actor, model or performer.

6. As a legislative aide.

7. In casual domestic work at a person's home.

Additional exceptions are provided for student-learners and apprenticeship programs.

WORKING HOURS FOR MINORS

Except in the above-mentioned occupations in which all minors may be employed,

Minors 14 or 15 years of age

1. May not be employed before 7 a.m. or after 7 p.m., except during the summer holiday.
2. May not be employed more than:
   a) 3 hours on any school day;
   b) 18 hours in any week when school is in session;
   c) 8 hours in any day when school is not in session;
   d) 40 hours in any week when school is not in session; or
   e) 6 days a week.

Certain exceptions are provided for including the delivery of newspapers, and so on.

OTHER PROVISIONS include means of enforcement, power of the Department of Labor to adopt rules and definitions, and various penalties.

DATE

HB

After-school job may lead teens into trouble

By the Associated Press

DENVER — Teens who work after school are more likely to break the law and tempt trouble than those who don't have jobs, according to a study that turns assumptions about work and responsibility on its head.

Such findings aren't new, but the study conducted at the University of Colorado at Boulder is the first such survey that's national in scope, said sociology professor Delbert Elliott, who heads the ongoing research.

"In that sense, it's a little different," Elliott said of the survey's nationwide view. "The finding is a very robust finding."

The study found teens who work before graduating from high school are about 1½ times more likely to commit criminal offenses and use alcohol, and are more than twice as likely to experiment with marijuana.

"To be honest, we didn't believe it," Elliott said of the initial results. "You know — idle hands are the devil's workshop."

Researchers were so skeptical at first, he said, they figured they overlooked something. But when the numbers were reckoned again to account for potentially skewing factors, the results were the same.

Elliott emphasized that the findings mean only that work poses a greater risk of delinquency; trouble is far from inevitable.

"The research has indicated there are indeed some positive benefits from going to work," Elliott said.

But on the negative side, he said, the survey showed "a job may replace interest in school. Then what happens is a decline in educational aspiration ... and in activities surrounding the school."

The findings come from a long-term survey. Each time, survey subjects — who cross the economic and ethnic spectrums — are asked confidentially if they broke the law or used drugs or alcohol. Those who worked as teens were employed in a wide range of jobs — in fast-food restaurants, in retail stores, as gofers in professional firms.

Elliott said parents may counter the risk of trouble by better supervising their employed offspring.

SB 223

Tidyman's fined for labor violations ■

MISSOULA (AP) — The Tidyman's supermarket chain has been fined $75,350 for violating federal child-labor laws at stores in Missoula, Idaho, and Spokane, Wash.

Labor Department spokesman Larry Wilson said 106 minors have been employed at Tidyman's stores in the three states in violation of the federal Fair Labor Standards Act.

Minors as young as 15 have operated equipment considered hazardous. Other citations included employment of a child under 14 and use of 15-year-olds for hours exceeding federal standards.

Wilson said the violations apparently resulted from a lack of knowledge about regulations. "I don't believe there was any indication that there was any purposeful intent to violate the law." He said "they have been very cooperative."

3-1-92

EXHIBIT

DATE

HB

SB223

LABOR 3/9/93

Sunday, September 6, 1992

EXHIBIT
DATE
HB

Fast-food work unsafe, group claims

CHICAGO (AP) — Dishing up fast food may be hazardous to teenagers' health, according to a workplace study that estimates thousands of youngsters get hurt working at the corner eatery.

The report released Saturday by the Chicago-based National Safe Workplace Institute also chastises the Labor Department for lax enforcement of child labor laws.

A Labor Department spokeswoman called the report dishonest. Officials at McDonald's Corp., the largest U.S. fast-food chain and one of the nation's largest employers of teens, also disputed the report's claims, as did Burger King.

The report estimates that of 5.5 million workers ages 12 to 17, some 71,660 were hurt and 139 died in 1990 as a result of their jobs.

Of those, the report says, about 20,000 were hurt in the restaurant industry — primarily working with fast-food — as a result of slips and falls, cuts, burns, electrical shock, vehicle accidents, heavy lifting, chemical exposure and sleep loss.

Adolescents get hurt anywhere they are employed, whether laboring on a farm, at a hotel, in the garment industry or at a supermarket. But the single largest number of work-related injuries among teenagers occur in food service, the report says.

Joseph A. Kinney, executive director of the non-profit institute that produced the report, said he hopes it will provoke national debate on teen labor practices.

"A lot of parents have this idea that work in the fast-food industry is fairly benign and safe and that their kids won't be injured," Kinney said in an interview Friday.

According to the report, "the fast-food industry typically will hire youngsters off the street and place them in jobs with substantial risk of burns, lacerations and slips and falls with little or no training."

When teen-age employees get hurt, fast-food managers often insist they be treated as personal rather than business-related, the report contends.

It also says that fast-food outlets in suburban areas, where cheap adult labor is scarce, routinely violate child labor laws by employing children under age 14 and scheduling employees under 16 to work after 7 p.m. on school nights.

Under federal law, 14- and 15-year-old employees may work no more than three hours on a school day or 18 hours in a school week, and may not work between 7 p.m. and 7 a.m. except during the summer, when they may work until 9 p.m.

Burger King is fighting a Labor Department lawsuit that charges the Miami-based chain violated child labor laws by employing teen-agers under 16 to work during hours and in occupations that are not permitted.

Burger King spokeswoman Cori Zywotow said the company has not employed anyone under 16 for the past year.

Labor Department spokeswoman Carol McCain said the report incorrectly says there are just 93 federal child labor inspectors checking 2 million businesses. She said the agency employs 841 inspectors, all of whom inspect for violations of all labor laws, including child labor laws.

EXHIBIT 3/9/93
DATE
HB SB 323

SB 223

EXHIBIT # 2
DATE SBOR 3/9/93

Montana Catholic Conference

March 9, 1993

Mr. Chairman, members of the committee -

My name is Sharon Hoff representing the Montana Catholic Conference. As Conference Director, I serve as the liaison for the two Roman Catholic Bishops of the State of Montana in matters of public policy.

The Montana Catholic Conference supports SB 223.

In late 1991, the U. S. Catholic Bishops wrote a document called "Putting Children and Families First."

In this document the bishops state: "Our nation is failing many of our children. Our world is a hostile and dangerous place for millions of children. As pastors in a community deeply committed to serving children and their families, and as teachers of a faith that celebrates the gift of children, we seek to call attention to this crisis and to fashion a response that builds on the values of our faith, the experience of our community and the love and compassion of our people.

In 1891 Pope Leo XIII published an encyclical entitled Rerum Novarum (The Condition of Labor). Pope Leo's writing decisively shaped Catholic social teaching to the current day. Regarding child labor, Pope Leo stated "Great care must be taken always to prevent the employment of children in factories until they are sufficiently mature in mind and body and character. Calls which are made too early upon the strength of youth can beat it down, like new-grown grass too tender to be trodden, and quite destroy all possibility of education."

It is not easy to promote all legislation, especially when some interferes with our personal self interest, but when it comes to protecting children and

Tel. (406) 442-5761 P.O. BOX 1708 530 N. EWING HELENA, MONTANA 59624

a xgram

CARE & SHARE

youth, we must take strong steps to assure their safety and their future. SB 223 supports children and affirms their value in our society. I urge your support of SB223.

Montana Family Union
AFL-CIO

110 West 13th Street
P.O. Box 1176
Helena, Montana 59624
406-442-1727

Don Judge
President

Pam Egan
Executive Director

EXHIBIT 6
DATE 3/9/93
HB SB 223

The Associate Membership Program of the Montana State AFL-CIO

TESTIMONY OF MONTANA FAMILY UNION ON SB 223
BEFORE THE HOUSE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS,
MARCH 9, 1993

Mr. Chairman, members of the committee, for the record, I am Pam Egan, Executive Director of the Montana Family Union. I am here today in support of Senate Bill 223.

Montana children work for a variety of reasons; some because their parents want them to learn responsibility and the value of hard work, some to earn extra spending money, some to help pay for college. These can be noble goals.

Unfortunately, bad economic policy has made it necessary for some children to have to work to help their families put food on the table. But it's the government's responsibility to fix the economic problems, not let child workers pay the price.

We must remember that a child who is exploited in the workplace learns neither responsibility, nor the value of hard work.

What that child does learn is that employers have no responsibility to their workers. An exploited child learns that hard work is not rewarded with dignity, respect or fairness. They learn that their education is worth less than their paycheck. They learn that workers, and children, are expendable -- to dangerous equipment, to hazardous chemicals, to excessive hours -- but that profits are not.

The Montana Family Union believes that all young people have a right to a decent childhood. Excessive hours and hazardous conditions undermine that right.

We believe that all children deserve to have an education -- one that will prepare them to enter the adult work force when the time comes. We believe it is unconscionable for children to be exploited by unscrupulous employers for the sake of profits.

Current Montana law does very little to protect children from many hazardous occupations and does nothing to protect them from excessive hours.

This bill begins to correct those problems. While we wish it were even stronger, it is an important step in the right direction.

The Montana Family Union respectfully urges a favorable recommendation on Senate Bill 223.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

LABOR COMMITTEE BILL NO. SB223

DATE 3/9/93 SPONSOR(S) BARTLETT

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
HARLEY WARNER	ASSOC. OF CHIEFS	X	
Fr. Larry Lediwzy	Priest Council / R Catholic Diocese of Helena	X	
Ed Heaver	Laborers Dist. Council	X	
Charles R Brooks	MT Retail Assoc	X	
SHARON HOFF	MT CATHOLIC CONF	X	
Darrell Holzer	mt. St. AFL-CIO	X	
Chuck Wells	MT Newspaper Assn	X	
L. Bruce Morris	Carpenters Union	✓	
Lorna Frank	Mt. Farm Bureau	X	
Pam Egan	MT Family Union	X	
CHUCK HUNTER	D.O.L.I.	X	
Nancy Coopersmith	OPI	X	
John Maclay	MFT / MTFSE	X	
Ron James	Ironworkers Lo 841	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Labor COMMITTEE BILL NO. SB 223

DATE 3/9/93 SPONSOR(S) Bathhelt

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Phil Campbell	MEA	X	
Wendy Bermingham	Teens	X	
Jessica Batson	Teens	X	
Tim McCauley	Self	X	
David Crum	MT Chamber of Commerce	~	
Tom Judge	ALTERNATIVE N.S. Helena	X	
JAMIE DOGGETT	MT Cattlewomen	X	

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MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Chairman Nelson, on March 11, 1993, at 3:05

ROLL CALL

Members Present:

Rep. Tom Nelson, Chair (R)
Rep. Gary Feland, Vice Chair (R)
Rep. Steve Benedict (R)
Rep. Vicki Cocchiarella (D)
Rep. Jerry Driscoll (D)
Rep. Alvin Ellis (R)
Rep. Pat Galvin (D)
Rep. Sonny Hanson (R)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carolyn Squires (D)
Rep. Bill Tash (R)
Rep. Rolph Tunby (R)
Rep. Carley Tuss (D)
Rep. Tim Whalen (D)

Members Excused: None

Members Absent: None

Staff Present: Susan Fox, Legislative Council
Cherri Schmaus, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	None
Executive Action:	SB 91, SB 381, SB 329, SB 223, SB 256, SB 342

EXECUTIVE ACTION ON SB 91

Motion: **REP. SIMON MOVED SB 91 DO BE CONCURRED IN. REP. SIMON MOVED TO AMEND.**

Discussion: **REP. TUSS** asked **REP. SIMON** if diversionary program is defined anywhere?

REP. SIMON told her that he does not know if it is defined in

was called on the Klampe amendments. A voice vote was taken. The motion to DO PASS **CARRIED** 9 to 7.

REP. PAVLOVICH MOVED SB 329 BE TABLED. A voice vote was taken. The motion to TABLE **FAILED** 7 to 9.

REP. HANSON MOVED HIS PROPOSED AMENDMENT. He told the committee that his amendment will strike the wording "eliminated other bonified programs by the Department of Labor". The question was called on the Hanson amendments. The motion to DO PASS **CARRIED** 15 to 1 with **REP. TUSS** voting no.

Vote: **REP. BENEDICT MOVED SB 329 BE CONCURRED IN AS AMENDED.** The question was called for. A voice vote was taken. The motion to **CARRIED** 9 to 7. **REP. HANSON** agreed to carry SB 329 on the House floor.

EXECUTIVE ACTION ON SB 223

Motion: **REP. COCCHIARELLA MOVED SB 223 BE CONCURRED IN.**

Discussion: **REP. COCCHIARELLA** stated that this bill will take care of the children. She stated that many people may not believe it, but there are children being abused and used.

REP. ELLIS stated that he is against the bill because it doesn't allow kids to work on the family farm unloading trucks.

REP. FELAND told **REP. ELLIS** that these kids could perform this farm work with written permission.

REP. SIMON proposed an amendment to add the word "meat" before the word "processing" on page 8, line 9. The amendment was moved. The question was called on the Simon amendment. A voice vote was taken. The motion to DO PASS **CARRIED** unanimously.

REP. MILLS stated that he is against the bill because he can't hire his son's buddy to work on the family farm. He stated that work is very important for young people to learn how to perform work at an early age.

REP. GALVIN stated that he is still concerned with the freight elevator. He asked the committee to define the difference between a freight elevator and an passenger elevator. **REP. GALVIN** told the committee that a freight elevator is not enclosed.

REP. SIMON stated that there should be no problem with a delivery boy delivering chocolates on a freight elevator if that is all that is available because the boy is not employed by the elevator.

Chuck Hunter, with the permission of the committee, suggested a wording change that would solve the freight elevator problem.

REP. MILLS called for the question on his amendments. A voice vote was taken. The motion to DO PASS **CARRIED** unanimously.

Motion/Vote: **REP. DRISCOLL MOVED SB 223 DO BE CONCURRED IN AS AMENDED.** The question was called for. A voice vote was taken. the Motion **CARRIED** 10 to 6 with **REP. TUNBY, REP. ELLIS, REP. HANSON, REP. MILLS, REP. BENEDICT AND REP. TASH** voting no. **REP. RICE** will carry SB 223 on the House Floor.

EXECUTIVE ACTION ON SB 256

Motion: **REP. FELAND MOVED SB 256 DO BE CONCURRED IN.**

Discussion: **REP. DRISCOLL** explained the McClure amendments, dated March 9, 1993, to the committee. **REP. DRISCOLL MOVED THE MCCLURE AMENDMENT.** The question was called for. A voice vote was taken. The motion to DO PASS **CARRIED** 15 to 1 with **REP. HANSON** voting no.

REP. SIMON explained his proposed amendments to the committee. He stated that he wants to amend the effective date from "July 1, 1993" to "upon passage". Furthermore, those who bought prior to the passage of this bill will be grandfathered. The question was called for. A voice vote was taken. The motion to DO PASS **CARRIED** unanimously.

REP. DRISCOLL explained the Rice amendments to the committee.

REP. GALVIN stated that he knows a person in Great Falls who would be effected positively by the passage of this bill.

REP. COCCHIARELLA stated that each year in Missoula, out-of-state yard workers go door to door and landscape yards without paying in Montana.

REP. BENEDICT stated that radio competitors come from Idaho and don't have to pay in Montana.

The question was called for on the Rice amendments. The motion to DO PASS **FAILED** with a tie vote.

Motion/Vote: **REP. DRISCOLL MOVED SB 256 BE CONCURRED IN AS AMENDED.** The question was called for. The motion **CARRIED** unanimously. **REP. DRISCOLL** will carry SB 256 on the House floor.

EXECUTIVE ACTION ON SB 342

Motion: **REP. MILLS MOVED SB 342 BE CONCURRED IN.**